

**ZONING COMMITTEE  
AGENDA  
WEDNESDAY, JUNE 16, 2010**

**A. ADOPTION OF AGENDA**

**B. APPROVAL OF MINUTES**

**C. COMMUNICATION**

- 10-C-1055 ( 1)     A Communication by Councilmembers Felicia A. Moore, District 9; C. T. Martin, District 10; Keisha Lance Bottoms, District 11; Joyce Sheperd, District 12 and H. Lamar Willis, Post 3-At-Large, appointing **Mr. Eugene Miller** to serve as a member of the Board of Zoning Adjustment. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.

**D. ZRB SUMMARY REPORT**

**E. PAPERS HELD IN COMMITTEE**

- 10-O-0013 ( 1)     An Ordinance by Councilmember Aaron Watson **as**  
**Z-07-113**           **substituted and amended by Zoning Committee** to rezone from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, property located at **430 and 460 Englewood Avenue, SE**, fronting approximately 678 feet on the north side of Englewood Avenue beginning approximately 132 feet from the northeast corner of Mailing Avenue. **(Held on substitute as amended 1/13/10 at the request of the District Councilmember)**

Depth:            Approximately 1,010 Feet

Area:             Approximately 10.32 Acres

Land Lot:        42, 14th District, Fulton County, Georgia

Owner:           JWGST LLC/Joseph Wiles

Applicant:      Jason Fritz

**NPU-Y**

**Council District 1**

- 10-O-0018 ( 2)     An Ordinance by Councilmember Aaron Watson **as**  
**Z-08-73**           **substituted and amended by Zoning Committee** to rezone from the R-4 (Single Family Residential) and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, properties located at **1146 Portland Street, SE, 1152 Portland Street, SE, 1131 Glenwood Avenue, SE, 1137 Glenwood Avenue, SE**

**ZONING COMMITTEE AGENDA  
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**E. PAPERS HELD IN COMMITTEE (CONT'D)**

**525/527 Moreland Avenue, SE, 529 Moreland Avenue, SE, 535 Moreland Avenue, SE and 537 Moreland Avenue, SE** fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. **(Substituted and held 1/13/10 at the request of the District Councilmember)**

10-O-0035 ( 3)  
**U-09-22**

An Ordinance by Councilmember Aaron Watson granting a Special Use Permit for a Day Care Center pursuant to Section 16-08.005 (l) (b) for property located at **3751 Martin Luther King, Jr. Drive, SW**, fronting approximately 165 feet on the southeasterly side of Martin Luther King, Jr. Drive at the northeastern intersection of Martin Luther King, Jr. Drive and Bolton Road. **(Held 1/27/10 at the request of the District Councilmember)**

Depth: Varies

Area: Approximately 5.8 Acres

Land Lot: 15, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Charitable Connections, Inc.

Applicant: Charitable Connections, Inc./Michelle R. Uchiyema

**NPU-H**

**Council District 10**

10-O-0031 ( 4)  
**U-09-17**

An Ordinance by Councilmember Aaron Watson granting a Special Use Permit for a Personal Care Home pursuant to Section 16-08.005 (1)(f) for property located at **762 Bender Street, SW**, fronting approximately 60 feet on the east side of Bender Street, at the southeast corner of Bender Street and Stephens Street. **(Held 2/24/10 at the request of the Councilmember of the District)**

Depth: Varies

Area: Approximately 0.147 Acre

Land Lot: 86, 14th District, Fulton County, Georgia

Owner: Deborah L. Turner

Applicant: Deborah L. Turner

**NPU-V**

**Council District 4**

**ZONING COMMITTEE AGENDA  
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**E. PAPERS HELD IN COMMITTEE (CONT'D)**

10-O-0336 ( 5)  
**Z-10-02**

A **Substitute** Ordinance by Zoning Committee to rezone from the RG-2 (Residential General-Sector 2) District to the MR-3-C (Multi-Family Residential-Conditional) District, property located at **1017 Westview Drive, SW**, fronting approximately 328 feet on the northeasterly side of Westview Drive and approximately 275 feet on the east side of Agnes Jones Place and approximately 416.40 feet on the west side of Abbott Street.

Depth: Varies  
Area: 3.48 Acres  
Land Lot: 116, 14<sup>th</sup> District, Fulton County, Georgia  
Applicant: Rex Bray  
Owner: Columbia Plaza1, LP

**NPU-T** **Council District 4**

## F. ITEMS NOT ON THE AGENDA

**G. ADJOURNMENT**

#### H. LINK TO ZRB PENDING LEGISLATION

<http://citycouncil.atlantaga.gov/2010/pendingzrb.htm>



10-C-1055  
RECEIVED  
OFFICE OF  
MUNICIPAL CLERK  
2010 MAY 34 PM 2:35

ATLANTA CITY COUNCIL

FELICIA A. MOORE  
COUNCILMEMBER, DISTRICT 9

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
ATLANTA, GEORGIA 30303  
DIRECT (404) 330.6044  
MAIN (404) 330.6030  
FAX (404) 658.7966

Thursday, June 03, 2010

President Ceasar C. Mitchell  
Atlanta City Council  
55 Trinity Avenue  
Atlanta, GA. 30303

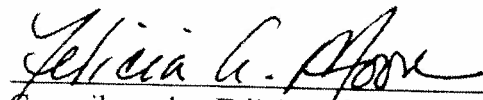
Dear President Mitchell:


We, the Councilmember's of Districts 9, 10, 11, 12 and Post 3 are pleased to appoint Mr. Eugene Miller, a resident of District 9, as our representative for the Board of Zoning Adjustment.

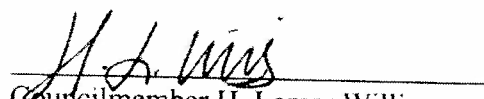
We are confident that Mr. Miller will serve on the board with great distinction.


Attached is a copy of his resume for your review.


Sincerely,

  
Councilmember Felicia A. Moore  
District 9

  
Councilmember Keisha Lance-Bottoms  
District 11

  
Councilmember H. Lamar Willis  
Post 3 At-Large

  
Councilmember C.T. Martin  
District 10

  
Councilmember Joyce Sheperd  
District 12

C-1

BZA 9.10.11.12.  
P3

## **EUGENE MILLER**

193 Linkwood Rd, Atlanta, GA 30318 Cell: (404) 626-0520  
starintegrity@yahoo.com

### **PROFESSIONAL SUMMARY**

Goal-oriented individual with 20+ years progressive background in sales, retail account management and business operations. Take pride in the ability to utilize my wealth of knowledge and experience in these areas. Strategic planning with marketing materials for advertising, human resources management and personnel training. Experienced in detail contract negotiations, budget development, product inventory and logistics. Motivate team members to meet and exceed company profit goals. Interacts with people of diverse backgrounds and professional levels: from technicians to "C" ranking executives.

### **COMPUTER KNOWLEDGE**

Microsoft Word, Excel, PowerPoint Presentations, Outlook, Microsoft Publisher, Adobe Acrobat Professional 8.0, CAD Level 1, Programming A+, Computer repair

### **EMPLOYMENT**

Star Integrity Mortgage LLC, Atlanta, Ga.

January, 2003- May, 2009

#### ***Loan officer***

- Assist borrowers and lending institutions to come together to obtain the best possible loan, interest rate and investment terms for purpose of becoming a first time home owner, or refinance existing loan.
- Provided commercial financial preparation for business loans.
- Trained new loan officers and mentored department staff.

Sam's Club, Atlanta, Ga.

February, 1996 - April, 2003

#### ***Marketing Sales***

- Enhanced membership sales to public.
- Handled Merchandise sales to public and business owners.
- Sold memberships and merchandise to schools, city and state government agencies, hospital, nursing homes and retirement communities.
- Solicited door to door for business.
- Maintained expense and mileage reports.
- Trained new sales associates.
- Orchestrated sales and marketing promotions.

Tastee-Freeze, Atlanta, GA.

March, 1980 - February, 1996

#### ***Owner-Manager***

- Managed and maintained Ice cream retail shop.
- Maintained profit accountability, food health standards, and customer satisfaction.
- Trained new employees, paid payroll, rent, franchise fees, vendor receipts, and taxes
- Processed and paid insurances and all other business expenditures.

Coca-Cola USA, Atlanta, GA.

March, 1974 - April, 1980

#### ***Trade Examiner***

- Covered city and state, mediating customer complaints.
- Demonstrated quality control to business.
- Obtained and tested beverage samples for chemical analyses.
- Performed Paralegal interviews customer and business.

## **EUGENE MILLER**

193 Linkwood Rd, Atlanta, GA 30318 Cell: (404) 626-0520  
starintegrity@yahoo.com

### **EDUCATION**

#### FORT VALLEY STATE UNIVERSITY

Bachelor of Science in Business Management-Sales

Bachelor of Arts in Business Administration

Date of Graduation

Fort Valley, Georgia.

May, 1970

#### INTERACTIVE COLLEGE OF TECHNOLOGY

Certification in Computer Repair and Programming A+

Date of Graduation

Chamblee, Georgia

May, 1997

#### CAPSTONE INSTITUTE OF MORTGAGE FINANCE

Certificate in Finance Consultant

Certificate in Commercial and Mortgage Finance

Atlanta, Georgia

April, 2000

#### NAPSR

National Association of Pharmaceuticals

Sales Representatives

Atlanta, Georgia

Present Study/2008-2009

#### **COMMERCIAL DRIVER'S LICENSE**

Class B. PS Endorsements.

5-29-2014 Georgia

**SUMMARY REPORT**  
June 16, 2010

<b>LEGISLATION NUMBER</b>	<b>ZONING NUMBER</b>	<b>LOCATION (NPU/CD)</b>	<b>CHANGE</b>	<b>STAFF RECOMM.</b>	<b>NPU RECOMM.</b>	<b>ZRB RECOMM</b>
<b><u>FAVORABLE</u></b>						
10-O-0387	Z-10-04	1082, 1088 and 1094 Moores Mill Road, N.W. C-8	R-3 to R-2B	Approval	Approval	Approval
<b><u>FAVORABLE ON SUBSTITUTE</u></b>						
10-O-0776	Z-10-10/Z-05-54	675 Ponce de Leon and 641 North Avenue, N.E. M-2	Change of Conditions	Approval Conditional of Substitute Ordinance	Approval Conditional	Approval Conditional of Substitute Ordinance
<b><u>FAVORABLE AS AMENDED</u></b>						
10-O-0505	Z-10-05/Z-06-37	2812 Piedmont Road, N.E. B-7	Change of Conditions	Approval Conditional	Approval Conditional	Approval Conditional
10-O-0337	U-10-07	4400 Peachtree Dunwoody Road, N.E. B-7	Special Use Permit for a Church	Approval Conditional	Approval Conditional	Approval Conditional
10-O-0520	U-10-10	4100 Roswell Road (aka 4136 Roswell Road), N.E. B-8	Special Use Permit for a Prekindergarten/Kinderg arten	Approval Conditional	Approval Conditional	Approval Conditional

**AN ORDINANCE**

**BY: COUNCIL MEMBER YOLANDA ADREAN**

**AN ORDINANCE TO REZONE 1082, 1088 AND 1094 MOORES MILL ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-2B (SINGLE-FAMILY RESIDENTIAL).**

**WHEREAS**, it is in the public health, safety and general welfare to rezone the subject properties to R-2B

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1:** That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed, so that the properties having a street address of 1082 Moore's Mill Road, 1088 Moores Mill Road and 1094 Moores Mill Road be rezoned from R-3 (Single-Family Residential) to R-2B (Single-Family Residential), said property being more particularly depicted and described as, to wit:

ALL THOSE TRACTS or parcels of land lying in Land Lot 183 of the 17<sup>th</sup> District, Fulton County, Georgia being more particularly depicted in Exhibit "A", attached hereto and incorporated herein by reference.

**SECTION 2:** That if this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can only be approved only by application to the Board of Zoning Adjustment.

**SECTION 3:** That the maps referred to, now on file in the Office of the Bureau of Planning, be changed to conform to the terms of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict.



# REZONING MAP

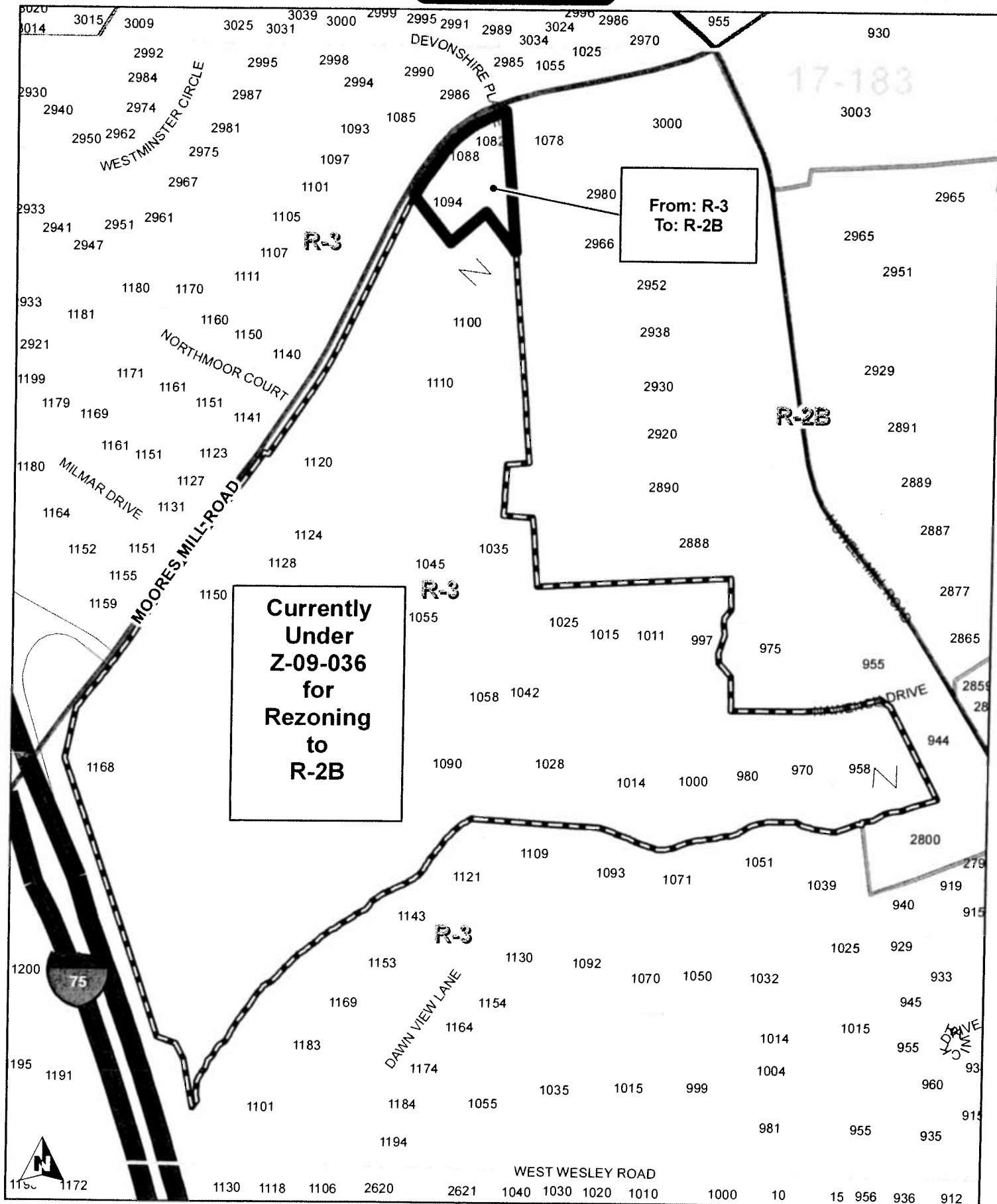
ATLANTA, GEORGIA

EXHIBIT

A

DPCD

Department of Planning  
and  
Community Development



# COMMITTEE AMENDMENT FORM

DATE: 06/16/10

COMMITTEE     ZONING

PAGE NUM(S)

ORDINANCE I. D.     #10-O-0776

SECTION (S)

RESOLUTION I. D. #10-R-

PARA.

AMENDS THE LEGISLATION BY ADDING FOURTEEN (14)  
CONDITIONS TO THE LEGISLATION.

AMENDMENT DONE BY COUNCIL STAFF <sup>6</sup>~~07/16~~/10.

**AN ORDINANCE  
BY COUNCILMEMBER KWANZA HALL  
AS SUBSTITUTED BY ZONING COMMITTEE**

**A SUBSTITUTE ORDINANCE TO REZONE 675 PONCE DE LEON AVENUE AND 641 NORTH AVENUE FROM MRC-3-C (MIXED RESIDENTIAL COMMERCIAL) TO MRC-3-C (MIXED RESIDENTIAL COMMERCIAL) FOR THE PURPOSE OF A CHANGE OF CONDITIONS; TO MODIFY THE OFFICIAL ZONING MAPS; AND FOR OTHER PURPOSES.**

**WHEREAS**, in furtherance of the City's stated goal of increasing mixed use development in the City of Atlanta, Ordinance 05-O-0897 (Zoning # Z-05-54) rezoned city-owned properties located at 675 Ponce de Leon Avenue and 641 North from I-1 (light industrial) to their existing zoning classifications of MRC-3-C (mixed residential commercial) respectively; and

**WHEREAS**, in furtherance of the public health, safety and general welfare and pursuant to Sec. 16-02.003 of the Atlanta Zoning Ordinance, the rezoning to MRC-3 contained twenty (20) conditions, including but not limited to a site plan, restricted and prohibited uses, and other conditions regulating the use and development of the properties in accordance with conditional zoning practice; and

**WHEREAS**, in furtherance of the public health, safety and general welfare and pursuant to Sec. 16-02.003 of the Atlanta Zoning Ordinance, the Bureau of Planning recommends and the City Council of the City of Atlanta, Georgia finds that three (3) of the original twenty (20) conditions should be changed; and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**SECTION 1:** That the Zoning Ordinance of the City of Atlanta be amended, and the official zoning map established in connection therewith be changed, so that the following property known as 675 Ponce De Leon Avenue and 641 North Avenue, be rezoned from the MRC-3-C (Mixed Residential Commercial) District to the MRC-3-C (Mixed Residential Commercial) District for a change of conditions, to wit:

ALL THAT TRACT or parcels of land lying and being in Land Lots 17 and 18 of the 14<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or map.

**SECTION 2:** If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

**SECTION 3:** That the maps referred to, now on file in the Bureau of Planning, be changed to conform with the terms of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

1. **Site plan:** The site plan titled, “Zoning Site Plan for: Ponce Park”, prepared by Tunnell-Spangler-Walsh & Associates et. al., dated July 18, 2005 and revised 10-27-05, and stamped as received by the Bureau of Planning on October 28, 2005.
2. **Restricted and prohibited uses:**
  - a) *The following restrictions on retail uses apply to the property north of North Avenue*
    - i. *There shall be a maximum of two individual retail uses of up to 150,000 SF of floor area. One such use shall be located in Building A.*
    - ii. *There shall be a maximum of two individual retail uses of up to 100,000 SF of floor area. One such use shall be located in Building A.*
    - iii. *All other individual retail uses in Building A cannot exceed 50,000 SF of floor area.*
    - iv. *All other individual retail uses in buildings other than Building A, with the exception noted above (i. and ii.) for the larger retail tenants, cannot exceed 25,000 SF of floor area.*
    - v. *The total conditioned net leasable retail establishment space, exclusive of stairwells, elevators, lobbies, HVAC equipment rooms, and similar spaces, on the parcel north of North Avenue shall not exceed 390,000 square feet.*
  - b) Individual retail, restaurant, repair, and commercial recreation establishments, and clubs and lodges, which are located south of North Avenue in Buildings G, H, and J, shall not exceed 9,000 square feet, except that the following uses may be up to 15,000 square feet adjacent to North Avenue in said buildings: grocery stores, delicatessens, bakeries, full-service restaurants (excluding fast food restaurants), and fitness gyms.
  - c) The following principal uses are prohibited: truck stops, automobile service and gasoline stations, car washes, new or used car sales, repair garages, paint and body shops, air conditioning service and repair shops, lawn mower or other outdoor mechanical equipment repair shops, or similar repair shops, commercial greenhouses, laundry or dry cleaning plants, security storage centers, and digital industry switchboards, power generators, or other relay equipment when installed as a primary use. *Notwithstanding the foregoing, in Building ‘A’ digital industry switchboards, power generators, and other relay equipment and rooms housing such equipment shall be permitted beginning on the fourth floor and above in accordance with the limitations imposed by the MRC District and Beltline Overlay District Regulations and shall not be located within 20 feet of any exterior wall or window. These uses shall be limited to 20 percent of the gross square footage of Building ‘A’.*

**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

3. **Maximum building height**, as measured from the center of the front of a building, shall be as follows: Building A: Existing heights (approximately 137 feet for the main building and 214 feet for the tower); Building B: 80 feet; Building C: 80 feet; Building D: 80 feet; Building E: 24 feet; Building F: 185 feet; Building G: 60 feet; Building H: 60 feet; Building J: 110 feet; Building K: 24 feet.
4. **Active uses**: In all buildings except Building A and Building F, active uses shall be required at sidewalk-level along all public and private streets, or parks, plazas, or courtyards that face a public or private street, except at ingress and egress points into parking structures or loading areas. Active uses at sidewalk level shall be limited to retail, office, residential, restaurant, museum, gallery, auditorium, library, hotel lobby, or cultural facility uses; all shall be serviced by plumbing, heating, and electricity. Active uses shall be provided for a minimum depth of 20 feet from the street-facing building façade. When a building has two or more floors that meet the definition of sidewalk level, this requirement shall only apply to the front of each floor located within five feet above or below the grade of the adjacent sidewalk. Active uses shall be required for at least 25% of the east side of Building B. Interior ground floor to ceiling height of nonresidential active use space shall be a minimum of 12 feet.
5. **Ingress and egress from buildings**: Buildings shall be designed and pedestrians shall be directed by the internal layout and signage of buildings in a manner that shall enable them to enter and exit a building onto the same sidewalk. The use of fire escapes as primary entrances is prohibited.
6. **Building façade materials** shall consist of the following:
  - a) All exterior façades that are located adjacent to a public or private street located north of North Avenue shall be brick, stone, cast stone, metal, or smooth hard-coat stucco when said stucco is limited to no more than three colors per building and is limited to the following colors: hues of brown, brick red, or off-white, or shades of these hues that are similar to those of the façade materials of the building indicated on the site plan cited above as Building A (i.e., the original City Hall East building). Cementitious siding may be used for trim or accents only. Façade treatment of said buildings that will be built in six or more visible, above-ground stories shall consist of brick, stone, cast stone, or masonry with the appearance of brick, terracotta, or stone on, at a minimum, the two lowermost visible, above-ground stories of the building, while any of the remaining materials may be used as façade treatments on the remaining stories. Façade treatment of buildings that will be built in five or fewer visible, above-ground stories shall consist of brick, stone, cast stone, or masonry with the appearance of brick, terracotta, or stone on the lowermost, visible, above-ground story, while the remaining materials may be used on the remaining stories. For Building F only, façade materials may also include poured-in-place concrete and precast concrete.

**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

- b) All exterior façades not adjacent to a public or private street located north of North Avenue shall be brick, stone, cast stone, metal, poured-in-place concrete, smooth, hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone.
- c) All exterior façades of the buildings south of North Avenue shall be brick, stone, cast stone, metal, poured-in-place concrete, smooth hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone.
- d) The following exterior building materials are prohibited: vinyl siding, and exterior insulation finish systems (EIFS).
- e) On Building F only, façade materials may also include poured-in-place concrete and precast concrete.
- f) The use of cementitious siding on buildings that are located south of North Avenue and that face public street, parks, plazas or courtyards shall not exceed sixty (60%) percent of the façade facing said public area. The final percentage allowed will be determined during the Special Administrative Permit process.

**7. Fenestration:**

- a) Buildings shall have either residential or non-residential (“storefront”) fenestration, as described below, along all building facades that face a public or private street or a park, plaza or courtyard that faces a public or private street. Non-residential fenestration shall be required in the sidewalk-level façade of buildings, except those of Building A, that front on Ponce de Leon Avenue, North Avenue and Glen Iris Drive. Residential fenestration shall be required on the exteriors of stories that are primarily occupied by residential uses in buildings located north of North Avenue, except Buildings A and F as shown on the site plan cited above.
- b) Non-residential (“storefront”) fenestration shall consist of windows in a minimum of 65% of the length of the sidewalk-level façade, and, in upper level facades that are designed for non-residential use at a minimum of 50% of the length of each upper level façade. Windows in the sidewalk-level façade shall meet the minimum vertical height requirements of the MRC district.
- c) Residential fenestration shall consist of windows in a minimum of 25% and maximum of 60% of the facade surface area that fronts a public or private street, former railroad right-of-way, or parks, plazas or courtyards that face a public or private streets except that for buildings located south of North Avenue, windows shall be provided in a minimum of 25% and a maximum of 85% of the total façade surface that fronts a public or private street, former railroad right-of-way, or park, plaza or courtyard that faces a public or private street. Fenestration shall be calculated separately for each building façade.

**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

- d) 50% of the residential window units in each building shall be operable.
  - e) All windows shall include windowpanes that are recessed a minimum of two inches from the façade in which they are installed, unless the façade is constructed as a glass curtain wall. Glass curtain walls shall not be permitted for residential uses for buildings north of North Avenue, except for Building F.
  - f) Paired windows that are grouped together shall have center mullions that are two inches wider than the side trim, notwithstanding that windows that are designed to look substantially similar to those of Building A shall be permitted.
  - g) Flat, “snap-in” muntins, and muntins that are sandwiched between layers of glass are prohibited.
  - h) Ground floor windows in Building A shall be screened so that the interior of any ground floor level that is used for parking is not visible from the street, or the windows may be treated as display windows for uses that are located in the building.
8. **Porches or stoops** that face a public or private street shall be designed and constructed as follows:
- a) Front porches that are wider than 6 feet shall have roofs, balustrades and columns, and may be enclosed with screen wire, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and front doors are visible after such enclosure.
  - b) Stoops shall be a minimum of 4 feet wide.
  - c) Steps that serve porches or stoops shall have closed risers and ends. Any steps and cheek walls shall consist of masonry, brick, smooth hard-coat stucco (where permitted as per condition 6., above), stone, cast stone, or poured-in-place concrete. The choice of building material shall complement the foundation material of the principal structure.
  - d) Railings, columns, and posts shall consist of painted wood, ornamental metal, glass, or similar materials. Wood materials shall have the following:
    - i. Columns and posts shall be a minimum of six inches wide and shall have base and cap components.
    - ii. Wood pickets shall be at least two inches wide and two inches deep.
    - iii. Wood railings shall be designed and constructed as shown on Exhibit 1., and shall include top and bottom horizontal members. The top railing shall consist of two elements. The upper element shall measure two inches by six inches and the lower element shall measure two by four inches. The bottom railing shall measure two inches by four inches.



**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

**9. Patio decks, balconies and upper level terraces:**

- a) Patio decks shall be permitted only on building facades that do not face a public or private street, former railroad right-of-way, park, or plaza, or a courtyard facing a public or private street, former railroad right-of-way, or park.
- b) Balconies and upper level terraces shall be permitted along all building facades and shall not encroach into or over the sidewalk clear zone. No more than 50 percent of decorative balconies that are constructed on façades that face a public or private street or a park shall have a depth of less than three feet. Railings, columns and posts shall consist of painted wood, ornamental metal or glass. Wood materials shall comply with condition 8 (d), above.

**10. Pitched roofs** over any building façade shall not exceed a slope of 3 over 12, and shall overhang by a minimum of 2 feet over the building facade, or shall be screened, with parapet walls, from view from adjacent public or private streets, or parks, plazas, or courtyards that face a public or private street or streets.

**11. Chimneys** that are located on exterior facades shall begin at-grade and shall be faced with brick, stone, or cast stone.

**12. Awnings and Canopies:**

- a) All awnings and canopies shall be made of cloth, canvas or metal. The shape of the upper surface of any awnings shall match the shape of the opening in front of which they would be attached.
- b) Internally lit awnings and canopies are prohibited; any illumination that is provided in conjunction with the awning or canopy shall be directed downwards, not upwards towards the underside of the awning or canopy.

**13. Sidewalk arcades:**

- a) Building facades under arcades shall meet the non-residential “storefront” fenestration requirements.
- b) *In addition to the applicable requirements of the MRC district, sidewalk arcades:*
  - i. *Shall meet the minimum supplemental zone width requirements, including a minimum pedestrian walkway width of 10 feet;*
  - ii. *Shall provide a minimum sidewalk-level floor to floor height of 16 feet.*

**14. Sidewalk edges:** A fence, retaining wall, curb or hedge with a minimum height of six inches shall be provided at the edge of the sidewalk adjacent to the supplemental zone located in front of a sidewalk-level residential unit, except at access points to steps, drives or pedestrian walkways.

**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

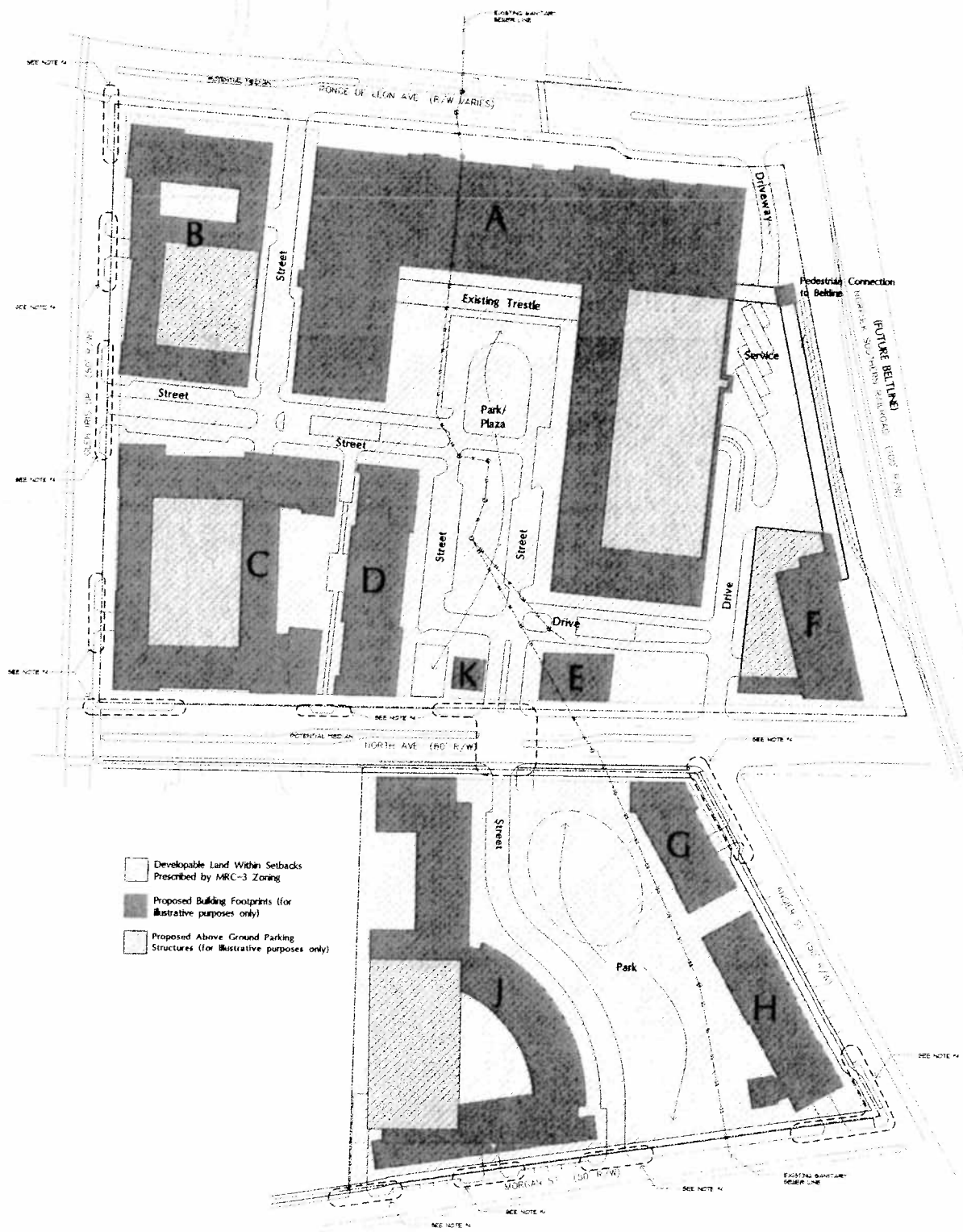
15. **Fences** that are located adjacent to a public or private street shall be of painted or stained wood, stone, composite materials, masonry, or metal. The finished sides (i.e., “fronts”) of one-sided fences shall face public or private streets, former railroad right-of-ways, parks, plazas, courtyards that face a public or private street, or sidewalk-level outdoor dining areas. Barbed wire, razor wire, or chain link fence shall be not be visible from any public or private street, former railroad right-of-way, park, plaza, courtyard, or sidewalk-level outdoor dining area.
16. **Asphalt paving** shall be prohibited for walkways, sidewalks, patios, plazas and supplemental zones.
17. **Parking Decks:**
  - a) All parking decks that face or are located adjacent to a public street shall be screened by a liner building.
  - b) Any parking deck that faces a public or private street or streets, or a property line that is not located immediately adjacent to a public or private street, shall have the appearance of a horizontal storied building with a pattern of openings such that the deck has an appearance similar to that of the adjoining or attached residential or mixed-use structure. The openings shall be screened with mesh or decorative panels, tinted or sandblasted spandrel glass, or similar screening elements, except that Building A may retain existing windows, subject to the window treatment required by 7.h), above. Provided that the construction method permits, parking decks shall be illuminated with uplighting as shown in Exhibit 2, or shall be illuminated in a manner so that the light fixtures are not visible from any public or private street or adjoining property.
  - c) The height of any parking deck shall not exceed the height of the immediately adjacent or adjoining residential or mixed-use building or structure.
18. **Dumpsters, loading docks, and surface parking lots** shall be screened from any adjacent public or private street or any adjacent park or plaza that is located at the same elevation as the dumpster, loading dock, or surface parking lot.
19. **Public Use of Park:** The 641 North Avenue parcel shall include a park, for public use, which shall remain open and accessible to the general public during normal City of Atlanta park hours.
20. **NPU-M Review:**
  - a) Any application for an administrative variation to allow off-site parking outside the boundaries of the 675 Ponce de Leon Avenue and 641 North Avenue parcels shall be submitted to NPU-M for its review and comment.

**Revised Zoning Conditions**  
**675 Ponce de Leon Avenue and 641 North Avenue, N.E.**  
**(City Hall East Redevelopment Project)**

- b) Any application for a special administrative permit for construction of a new building on either parcel shall be submitted to NPU-M for its review and comment.
- c) A Transportation Management Plan (TMP) is required and shall be presented to NPU M for comments before it is submitted to the Bureau of Planning as part of the SAP application. Other affected NPUs, including NPUs E, F, and N, may comment on the TMP after it is submitted to the Bureau of Planning and prior to issuance of any certificate of occupancy.

**21. Useable Open Space:**

- a) *Useable open space shall be provided in accordance with the requirements and provisions of the MRC-3 District and Beltline Overlay District regulations and shall constitute no less than 25 percent of net lot area of the northern parcel.*
  - b) *Up to 50 percent of the required Usable Open Space for the parcel north of North Avenue may be relocated to the parcel south of North Avenue or Historic Fourth Ward Park as was contemplated in the original adopted master plan proposal*
  - c) *New public streets, or new private streets functioning as public streets, shall be provided in accordance with the Zoning Site Plan (see Condition 1). All new streets shall be located within 25 feet of the locations shown on the Zoning Site Plan.*
  - d) *A new street connection shall be provided for the north parcel at North Avenue to align with the street connection to be located on the south parcel as shown on the Zoning Site Plan. This north parcel street connection shall be provided within an overall section with a minimum of 150 feet between the facades of major buildings. Signage and minor buildings may be constructed within this section as shown on the Zoning Site Plan (actual building footprints may vary).*
22. *At the time of receipt of the first application for a Special Administrative Permit for development on the north parcel, the Bureau of Planning shall determine whether the project has changed so as to require another Development of Regional Impact review, and if so shall cause the necessary submittals to be made.*



- NOTES - Plan will meet all MRC requirements as well as the following:
- 1) Street trees will be provided along public streets @ an average of an 11' O.C. and shall have a minimum caliper of 3" measured 36" above finished grade.
  - 2) All block sizes and street locations are flexible though blocks are not to exceed 600' in length.
  - 3) Local bus/multi-modal and on-street parking locations are subject to approval by the City of Atlanta Department of Public Works Office of Transportation.
  - 4) Yards shown are approximate and subject to change with lot consolidation or subdivision. All lots shall meet the yard requirements of section 16-34.0044.
  - 5) Distance from curb to building may vary by street as established by MRC-3 district regulations.
  - 6) The building footprints, open space, sidewalks, new streets and on-street parking locations shown in the site plan are for illustrative purposes only. Each block shall be developed in accordance with the building setbacks, lot area, height, and density limitations contained herein, in the MRC-3 district regulations and in accordance with any future conditions adopted by the Atlanta City Council.
  - 7) Building I has been deleted.

Proposal to rezone from I-1 to MRC-3

Zoning Site Plan for:  
**Ponce Park**  
 by: Tunnell-Spangler-Walsh & Associates  
 in collaboration with:  
 Surber Barber Choate & Hertlein Architects, PC  
 &  
 Smith Dalia Architects



July 18, 2005  
 Rev. 10-27-05

12

**AN ORDINANCE  
BY COUNCILMEMBER KWANZA HALL**

**10-0-0776**

2-10-10

**AN ORDINANCE TO REZONE 675 PONCE DE LEON AVENUE AND 641 NORTH AVENUE FROM MRC-3-C (MIXED RESIDENTIAL COMMERCIAL) TO MRC-3-C (MIXED RESIDENTIAL COMMERCIAL) FOR THE PURPOSE OF A CHANGE OF CONDITIONS; TO MODIFY THE OFFICIAL ZONING MAP; AND FOR OTHER PURPOSES.**

**WHEREAS**, in furtherance of the City's stated goal of increasing mixed use development in the City of Atlanta, Ordinance 05-O-0897 (Zoning # Z-05-54) rezoned city-owned properties located at 675 Ponce de Leon Avenue and 641 North from I-1 (light industrial) to their existing zoning classifications of MRC-3-C (mixed residential commercial) respectively; and

**WHEREAS**, in furtherance of the public health, safety and general welfare and pursuant to Sec. 16-02.003 of the Atlanta Zoning Ordinance, the rezoning to MRC-3 contained twenty (20) conditions, including but not limited to a site plan, restricted and prohibited uses, and other conditions regulating the use and development of the properties in accordance with conditional zoning practice; and

**WHEREAS**, due to the change in market conditions since 2005, the City Council of the City of Atlanta, Georgia finds that redevelopment of the properties as originally contemplated under Ordinance 05-O-0897 (Zoning # Z-05-54) will be more feasible by certain changes in conditions; and

**WHEREAS**, in furtherance of the public health, safety and general welfare and pursuant to Sec. 16-02.003 of the Atlanta Zoning Ordinance, the Bureau of Planning recommends and the City Council of the City of Atlanta, Georgia finds that two (2) of the original twenty (20) conditions should be changed (condition # 2 and 13) and one (1) condition should be added (condition # 21).

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS,  
as follows:**

**SECTION 1:** That the Zoning Ordinance of the City of Atlanta be amended, and the official zoning map established in connection therewith be changed, so that the following property known as 675 Ponce de Leon Avenue and 641 North Avenue, be rezoned from the MRC-3-C (Mixed Residential Commercial) District to the MRC-3-C (Mixed Residential Commercial) District for a change of conditions, to wit:

ALL THAT TRACT or parcels of land lying and being in Land Lots 17 and 18 of the 14<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or map.

**SECTION 2:** This rezoning is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by

the use of the suffice "C" after the district designation in Section 1 above, which zoning conditions are attached hereto and incorporated herein by reference. The Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

**SECTION 3:** That the maps referred to, now on file in the Bureau of Planning, be changed to conform to the terms of this ordinance.

**SECTION 4:** That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Zoning Conditions – Z-05-54 as amended by Z-10-  
675 Ponce de Leon Avenue and 641 North Avenue, N.E.  
(City Hall East Redevelopment Project)**

1. **Site plan:** The site plan titled, “Zoning Site Plan for: Ponce Park”, prepared by Tunnell-Spangler-Walsh & Associates et. al., dated July 18, 2005 and revised 10-27-05, and stamped as received by the Bureau of Planning on October 28, 2005.
2. **Restricted and prohibited uses:**
  - a) Retail uses north of North Avenue shall not occupy more than 150,000 SF of floor space for each retail tenant.
  - b) Individual retail, restaurant, repair, and commercial recreation establishments, and clubs and lodges, which are located south of North Avenue in Buildings G, H, and J, shall not exceed 9,000 square feet, except that the following uses may be up to 15,000 square feet adjacent to North Avenue in said buildings: grocery stores, delicatessens, bakeries, full-service restaurants (excluding fast food restaurants), and fitness gyms.
  - c) The following principal uses are prohibited: truck stops, automobile service and gasoline stations, car washes, new or used car sales, repair garages, paint and body shops, air conditioning service and repair shops, lawn mower or other outdoor mechanical equipment repair shops, or similar repair shops, commercial greenhouses, laundry or dry cleaning plants, security storage centers, and digital industry switchboards, power generators, or other relay equipment when installed as a primary use. Notwithstanding the foregoing, in Building ‘A’, digital industry switchboards, power generators, and other relay equipment and rooms housing such equipment shall be permitted in accordance with the limitations imposed by the MRC District and Beltline Overlay District Regulations and shall not be located within 50 feet of any exterior wall or window on each building floor level.
3. **Maximum building height,** as measured from the center of the front of a building, shall be as follows: Building A: Existing heights (approximately 137 feet for the main building and 214 feet for the tower); Building B: 80 feet; Building C: 80 feet; Building D: 80 feet; Building E: 24 feet; Building F: 185 feet; Building G: 60 feet; Building H: 60 feet; Building J: 110 feet; Building K: 24 feet.
4. **Active uses:** In all buildings except Building A and Building F, active uses shall be required at sidewalk-level along all public and private streets, or parks, plazas, or courtyards that face a public or private street, except at ingress and egress points into parking structures or loading areas. Active uses at sidewalk level shall be limited to retail, office, residential, restaurant, museum, gallery, auditorium, library, hotel lobby, or cultural facility uses; all shall be serviced by plumbing, heating, and electricity. Active uses shall be provided for a minimum depth of 20 feet from the street-facing building façade. When a building has two or more floors that meet the definition of sidewalk level, this requirement shall only apply to the front of each floor located within five feet above or below the grade of the adjacent sidewalk.

Active uses shall be required for at least 25% of the east side of Building B. Interior ground floor to ceiling height of nonresidential active use space shall be a minimum of 12 feet.

5. **Ingress and egress from buildings:** Buildings shall be designed and pedestrians shall be directed by the internal layout and signage of buildings in a manner that shall enable them to enter and exit a building onto the same sidewalk. The use of fire escapes as primary entrances is prohibited.
6. **Building façade materials** shall consist of the following:
  - a) All exterior façades that are located adjacent to a public or private street located north of North Avenue shall be brick, stone, cast stone, metal, or smooth hard-coat stucco when said stucco is limited to no more than three colors per building and is limited to the following colors: hues of brown, brick red, or off-white, or shades of these hues that are similar to those of the façade materials of the building indicated on the site plan cited above as Building A (i.e., the original City Hall East building). Cementitious siding may be used for trim or accents only. Façade treatment of said buildings that will be built in six or more visible, above-ground stories shall consist of brick, stone, cast stone, or masonry with the appearance of brick, terracotta, or stone on, at a minimum, the two lowermost visible, above-ground stories of the building, while any of the remaining materials may be used as façade treatments on the remaining stories. Façade treatment of buildings that will be built in five or fewer visible, above-ground stories shall consist of brick, stone, cast stone, or masonry with the appearance of brick, terracotta, or stone on the lowermost, visible, above-ground story, while the remaining materials may be used on the remaining stories. For Building F only, façade materials may also include poured-in-place concrete and precast concrete.
  - b) All exterior façades not adjacent to a public or private street located north of North Avenue shall be brick, stone, cast stone, metal, poured-in-place concrete, smooth, hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone.
  - c) All exterior façades of the buildings south of North Avenue shall be brick, stone, cast stone, metal, poured-in-place concrete, smooth hard-coat stucco, or masonry with the appearance of brick, terracotta, or stone.
  - d) The following exterior building materials are prohibited: vinyl siding, and exterior insulation finish systems (EIFS).
  - e) On Building F only, façade materials may also include poured-in-place concrete and precast concrete.
  - f) The use of cementitious siding on buildings that are located south of North Avenue and that face public street, parks, plazas or courtyards shall not exceed sixty (60%) percent of the façade facing said public area. The final percentage allowed will be determined during the Special administrative Permit process.



7. **Fenestration:**

- a) Buildings shall have either residential or non-residential (“storefront”) fenestration, as described below, along all building facades that face a public or private street or a park, plaza or courtyard that faces a public or private street. Non-residential fenestration shall be required in the sidewalk-level façade of buildings, except those of Building A, that front on Ponce de Leon Avenue, North Avenue and Glen Iris Drive. Residential fenestration shall be required on the exteriors of stories that are primarily occupied by residential uses in buildings located north of North Avenue, except Buildings A and F as shown on the site plan cited above.
  - b) Non-residential (“storefront”) fenestration shall consist of windows in a minimum of 65% of the length of the sidewalk-level façade, and, in upper level facades that are designed for non-residential use at a minimum of 50% of the length of each upper level façade. Windows in the sidewalk-level façade shall meet the minimum vertical height requirements of the MRC district.
  - c) Residential fenestration shall consist of windows in a minimum of 25% and maximum of 60% of the facade surface area that fronts a public or private street, former railroad right-of-way, or parks, plazas or courtyards that face a public or private streets except that for buildings located south of North Avenue, windows shall be provided in a minimum of 25% and a maximum of 85% of the total façade surface that fronts a public or private street, former railroad right-of-way, or park, plaza or courtyard that faces a public or private street. Fenestration shall be calculated separately for each building façade.
  - d) 50% of the residential window units in each building shall be operable.
  - e) All windows shall include windowpanes that are recessed a minimum of two inches from the façade in which they are installed, unless the façade is constructed as a glass curtain wall. Glass curtain walls shall not be permitted for residential uses for buildings north of North Avenue, except for Building F.
  - f) Paired windows that are grouped together shall have center mullions that are two inches wider than the side trim, notwithstanding that windows that are designed to look substantially similar to those of Building A shall be permitted.
  - g) Flat, “snap-in” muntins, and muntins that are sandwiched between layers of glass are prohibited.
  - h) Ground floor windows in Building A shall be screened so that the interior of any ground floor level that is used for parking is not visible from the street, or the windows may be treated as display windows for uses that are located in the building.
8. **Porches or stoops** that face a public or private street shall be designed and constructed as follows:

- a) Front porches that are wider than 6 feet shall have roofs, balustrades and columns, and may be enclosed with screen wire, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and front doors are visible after such enclosure.
- b) Stoops shall be a minimum of 4 feet wide.
- c) Steps that serve porches or stoops shall have closed risers and ends. Any steps and cheek walls shall consist of masonry, brick, smooth hard-coat stucco (where permitted as per condition 6., above), stone, cast stone, or poured-in-place concrete. The choice of building material shall complement the foundation material of the principal structure.
- d) Railings, columns, and posts shall consist of painted wood, ornamental metal, glass, or similar materials. Wood materials shall have the following:
  - i. Columns and posts shall be a minimum of six inches wide and shall have base and cap components.
  - ii. Wood pickets shall be at least two inches wide and two inches deep.
  - iii. Wood railings shall be designed and constructed as shown on Exhibit 1., and shall include top and bottom horizontal members. The top railing shall consist of two elements. The upper element shall measure two inches by six inches and the lower element shall measure two by four inches. The bottom railing shall measure two inches by four inches.

9. **Patio decks, balconies and upper level terraces:**

- a) Patio decks shall be permitted only on building facades that do not face a public or private street, former railroad right-of-way, park, or plaza, or a courtyard facing a public or private street, former railroad right-of-way, or park.
- b) Balconies and upper level terraces shall be permitted along all building facades and shall not encroach into or over the sidewalk clear zone. No more than 50 percent of decorative balconies that are constructed on façades that face a public or private street or a park shall have a depth of less than three feet. Railings, columns and posts shall consist of painted wood, ornamental metal or glass. Wood materials shall comply with condition 8 (d), above.

10. **Pitched roofs** over any building façade shall not exceed a slope of 3 over 12, and shall overhang by a minimum of 2 feet over the building facade, or shall be screened, with parapet walls, from view from adjacent public or private streets, or parks, plazas, or courtyards that face a public or private street or streets.
11. **Chimneys** that are located on exterior facades shall begin at-grade and shall be faced with brick, stone, or cast stone.
12. **Awnings and Canopies:**
  - a) All awnings and canopies shall be made of cloth, canvas or metal. The shape of the upper surface of any awnings shall match the shape of the opening in front of which they would be attached.
  - b) Internally lit awnings and canopies are prohibited; any illumination that is provided in conjunction with the awning or canopy shall be directed downwards, not upwards towards the underside of the awning or canopy.
13. **Sidewalk arcades:**
  - a) Building facades under arcades shall meet the non-residential “storefront” fenestration requirements.
  - b) In addition to the applicable requirements of the MRC district, sidewalk arcades:
    - i.
    - ii. Shall meet the minimum supplemental zone width requirements, including a minimum pedestrian walkway width of 10 feet; and
    - iii. Shall provide a minimum sidewalk-level floor to floor height of 16 feet.
14. **Sidewalk edges:** A fence, retaining wall, curb or hedge with a minimum height of six inches shall be provided at the edge of the sidewalk adjacent to the supplemental zone located in front of a sidewalk-level residential unit, except at access points to steps, drives or pedestrian walkways.
15. **Fences** that are located adjacent to a public or private street shall be of painted or stained wood, stone, composite materials, masonry, or metal. The finished sides (i.e., “fronts”) of one-sided fences shall face public or private streets, former railroad right-of-ways, parks, plazas, courtyards that face a public or private street, or sidewalk-level outdoor dining areas. Barbed wire, razor wire, or chain link fence shall be not be visible from any public or private street, former railroad right-of-way, park, plaza, courtyard, or sidewalk-level outdoor dining area.

16. **Asphalt paving** shall be prohibited for walkways, sidewalks, patios, plazas and supplemental zones.

17. **Parking Decks:**

- a) All parking decks that face or are located adjacent to a public street shall be screened by a liner building.
- b) Any parking deck that faces a public or private street or streets, or a property line that is not located immediately adjacent to a public or private street, shall have the appearance of a horizontal storied building with a pattern of openings such that the deck has an appearance similar to that of the adjoining or attached residential or mixed-use structure. The openings shall be screened with mesh or decorative panels, tinted or sandblasted spandrel glass, or similar screening elements, except that Building A may retain existing windows, subject to the window treatment required by 7.h), above. Provided that the construction method permits, parking decks shall be illuminated with uplighting as shown in Exhibit 2, or shall be illuminated in a manner so that the light fixtures are not visible from any public or private street or adjoining property.
- c) The height of any parking deck shall not exceed the height of the immediately adjacent or adjoining residential or mixed-use building or structure.

18. **Dumpsters, loading docks, and surface parking lots** shall be screened from any adjacent public or private street or any adjacent park or plaza that is located at the same elevation as the dumpster, loading dock, or surface parking lot.

19. **Public Use of Park:** The 641 North Avenue parcel shall include a park for public use, which shall remain open and accessible to the general public during normal City of Atlanta park hours.

20. **NPU-M Review:**

- a) Any application for an administrative variation to allow off-site parking outside the boundaries of the 675 Ponce de Leon Avenue and 641 North Avenue parcels shall be submitted to NPU-M for its review and comment.
- b) Any application for a special administrative permit for construction of a new building on either parcel shall be submitted to NPU-M for its review and comment.
- c) A Transportation Management Plan (TMP) is required and shall be presented to NPU M for comments before it is submitted to the Bureau of Planning as part of the SAP application. Other affected NPUs, including NPUs E, F, and N, may comment on the TMP after it is submitted to the Bureau of Planning and prior to issuance of any certificate of occupancy.

21. **Useable Open Space:**

Up to 50 percent of the required Usable Open Space for the parcel north of North Avenue may be relocated to the parcel south of North Avenue, the Beltline Corridor, Historic Fourth Ward Park, or any combination of these locations, in accordance with Section 16-34.007(2) (g).

## Legal Description

All that tract or parcel of land lying and being in Land Lot 17, 14th District, Fulton County, Georgia, and being more particularly described as follows:

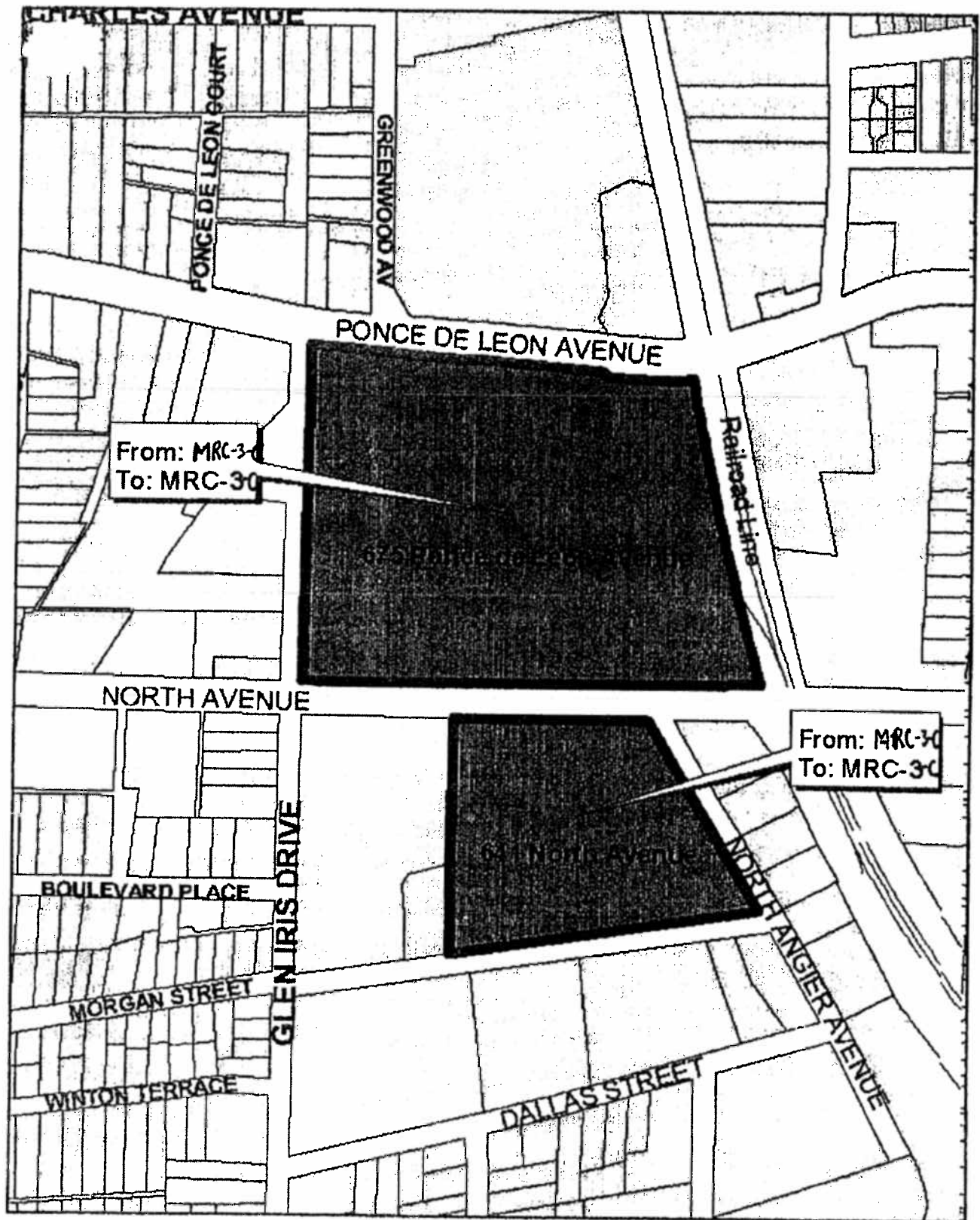
BEGINNING at a PK nail set at the intersection of the Northerly right-of-way of North Avenue (80-foot right-of-way) and the Easterly right-of-way of Glen Iris Drive (50-foot right-of-way); thence with the Easterly right-of-way of Glen Iris Drive, run North 00° 20' 29" East a distance of 774.42 feet to a PK nail set at the intersection of the Easterly right-of-way of Glen Iris Drive and the Southerly right-of-way of Ponce de Leon (variable right-of-way); thence with the Southerly right-of-way of Ponce de Leon, run South 86° 05' 14" East a distance of 650.74 feet to a PK nail set; thence continuing along said right-of-way, run South 58° 32' 44" East a distance of 26.32 feet to a PK nail set; thence continuing along said right-of-way, run South 86° 30' 37" East a distance of 120.29 feet to a point; thence continuing along said right-of-way, run along the arc of a curve to the left having a radius of 448.47 feet an arc distance of 80.88 feet (said arc being subtended by a chord bearing North 88° 19' 17" East, 80.77 feet) to a one-half inch rebar set on the Westerly right-of-way of Southern Railway (100-foot right-of-way); thence leaving the Southerly right-of-way of Ponce de Leon and with the Westerly right-of-way of Southern Railway, run South 12° 08' 28" East a distance of 402.91 feet to a point; thence continuing along said right-of-way, run along the arc of a curve to the left having a radius of 4,571.91 feet an arc distance of 329.61 feet (said arc being subtended by a chord bearing South 16° 20' 20" East, 329.54 feet) to a one-half inch rebar set on the Northerly right-of-way of North Avenue; thence with the Northerly right-of-way of North Avenue, run South 89° 56' 08" West a distance of 1,054.53 feet to a PK nail set and the Point of Beginning, containing 16.2131 acres, as shown on Boundary and Above Ground "As-Built" Survey for Sears, Roebuck and Co., prepared by Pearson & Associates, Inc., certified by William W. Deloach, Ga.R.L.S. #1711, dated January 18, 1989.

**Legal Description**

All that tract or parcel of land lying and being in Land Lot 18, 14th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a PK nail set on the Southerly right-of-way of North Avenue (80-foot right-of-way) said nail being 347.00 feet Easterly from the Easterly right-of-way of Glen Iris Drive, as measured along the Southerly right-of-way of North Avenue; thence with the Southerly right-of-way of North Avenue, run North 89° 56' 08" East a distance of 437.53 feet to a one-inch pipe found on the Southwesterly right-of-way of Angier Street (50-foot right-of-way); thence with the Southwesterly right-of-way of Angier Street, run South 29° 50' 45" East a distance of 507.43 feet to a one-half inch rebar set on the Northerly right-of-way of Morgan Street (50-foot right-of-way); thence with the Northerly right-of-way of Morgan Street, run South 81° 04' 02" West a distance of 703.45 feet to a three-fourths inch rebar found; thence leaving said right-of-way, run North 00° 30' 26" East a distance of 548.89 feet to a PK nail set on the Southerly right-of-way of North Avenue and the Point of Beginning, containing 6.5838 acres, as shown on Boundary and Above Ground "As-Built" Survey for Sears, Roebuck and Co., prepared by Pearson & Associates, Inc., certified by William W. Deloach, Ga.R.L.S. #1711, dated January 18, 1989.







# **COMMITTEE AMENDMENT FORM**

**DATE: 06/16/10**

**COMMITTEE     ZONING                      PAGE NUM(S)**

**ORDINANCE I. D.     #10-O-0505                      SECTION (S)**

**RESOLUTION I. D. #10-R-                      PARA.**

**AMENDS THE LEGISLATION BY ADDING TWO (14)  
CONDITIONS TO THE LEGISLATION.**

**AMENDMENT DONE BY COUNCIL STAFF 06/16/10.**

City Council  
Atlanta, Georgia

**10-O-0505**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**Z-10-05/Z-06-37**  
Date Filed: 2-22-10

**AN ORDINANCE TO AMEND ORDINANCE 06-O-0776 THAT REZONED PROPERTY FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE O-I-C (OFFICE-INSTITUTIONAL-CONDITIONAL) DISTRICT, FOR PROPERTY LOCATED AT 2812 PIEDMONT ROAD, N.E. FOR THE PURPOSE OF A CHANGE OF CONDITIONS.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **2812 Piedmont Road, N.E.**, be changed from O-I-C (Office Institutional-Conditional) District to O-I-C (Office Institutional-Conditional) District , for the purpose of a change of conditions, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 60, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for Z-10-05/ Z-06-37 for 2812 Piedmont Road, N.E.**

1. A site plan dated 05/26/06 by Lord Aeck Sargent entitled "2812 Piedmont Road Rezoning Application" and marked received by the Bureau of Planning 6/22/06, consisting of two sheets (AS01 and AS02) AS02 marked received by the Bureau of Planning 6/09/06.
2. Height of the building shall be limited to 32 feet.
3. *External signage on the property shall be limited to a single free standing structure no higher than 41 inches from the ground, for which the sign area shall be 34 by 84 inches so long as it conforms to all City of Atlanta requirements and similar to the sign depicted on Exhibit 'B'. The location of the sign is to be approximately 6 feet from the southeast corner of the building, oriented such that is most visible from the northbound traffic on Piedmont Road. The location of the sign must conform to the location shown on Exhibit 'A' attached so long as it conforms to all City of Atlanta requirements.*
4. The first story of the structure shown on the Site Plan, consisting of approximately 2,100 square feet, shall be devoted solely and exclusively to the following principal uses: offices, studios or clinics (other than veterinary). The second story of the structure shown on the Site Plan, consisting of approximately 2,100 square feet, shall be devoted solely and exclusively to single family residential use as a single residential unit. No principal uses except for the principal uses expressly described in the immediately preceding sentences shall be allowed on the Property. No accessory retail use shall be permitted.
5. Any demolition and construction on the Property shall take place no earlier than 7:00 a.m. and no later than 7:00 p.m. on Monday through Friday, and no earlier than 9:00 a.m. and no later than 5:00 p.m. on Saturday. No demolition or construction shall take place on Sundays. During construction, all construction equipment (including, without limitation, all construction vehicles, construction equipment and vehicles or construction workers) shall be parked solely on-site within the Property. All building materials shall be staged solely on-site within the Property. During construction, the owner shall keep E. Wesley Road and Piedmont Road clean and free of construction debris, rubbish and any mud and dirt emanating from the Property.
6. All exterior lighting installed on the Property shall be designed, shield and constructed so as to prevent light spill off site and shall further be directed downward and away from adjacent properties.
7. HVAC units will be located on the roof of the structure as shown on the Site Plan and will be sized and designed so as to minimize noise impact on surrounding properties.
8. All dumpsters, loading and service facilities shall be screened.
9. No fencing or gating shall be permitted on the Property.
10. The owner of the Property shall install and maintain a new, front sidewalk along Piedmont Road of not less than 12 feet in width.

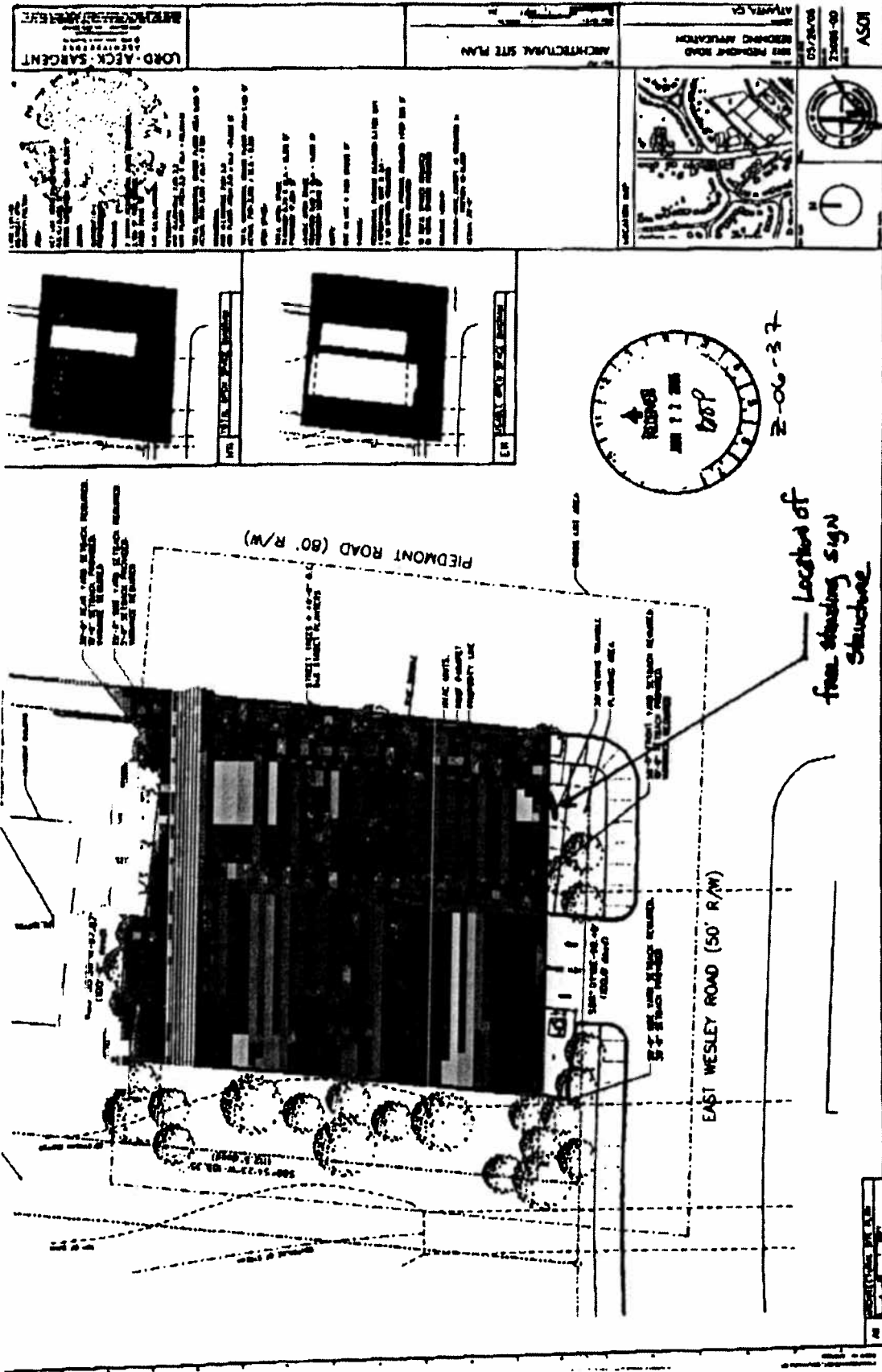
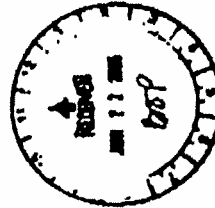
11. As shown on the Site Plan, the Property shall have only one curb cut point of ingress and egress, located off of East Wesley Road. All parking shall be restricted to the parking lot shown on the Site Plan. No parking shall be permitted in the entrance drive.
12. The design of the North and West elevations of the improvements constructed on the Property shall be architecturally consistent with the South and East elevations shown on the Elevation Plan. The materials used on the front, side and rear of the improvements shall likewise be of a consistent quality. The brick used shall be a residential grade of a color reviewed and approved by the Garden Hills Civic Association, Inc.
13. Trash removal at the Property shall take place no earlier than 7:00 a.m. and no later than 5:00 p.m. on Monday through Friday. Trash removal shall not take place on Saturday or Sunday.
14. The business or businesses operating on the Property shall open for use and visitation by non-employees no earlier than 8:00 a.m. and shall stay open no later than 6:30 p.m. on Monday through Saturday, and such business or businesses shall be closed on Sunday.

*New condition=italicized font*

Exhibit  
'A'

Location of  
free standing sign  
structure

2-06-37



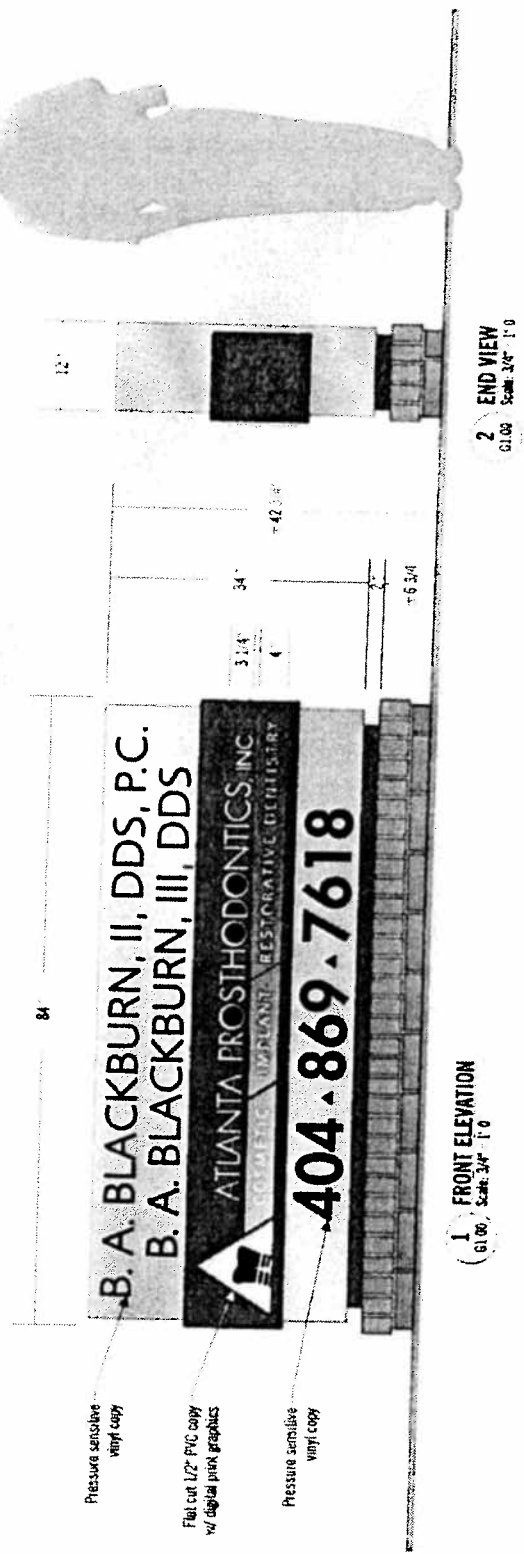
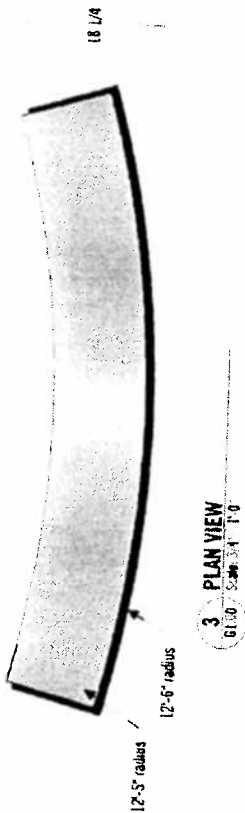
Client:

Atlanta  
Prosthodontics, Inc.

Project:

Property ID

**\$4,250 plus tax**  
**\$950 Installation**  
**RC Signs is not responsible for**  
**permitting issues, customer is**  
**taking care of these himself**



One (1) single face curved aluminum monument w/ flat cut 1/2" PVC logo, vinyl copy & brick base.  
Logo to have digitally printed vinyl graphics & reverse routed 'tooth'.

COLORS / FINISHES: All finishes to be satin unless noted.  
Black MAP Brushed Aluminum  
Digital print White



drawn by: mjl date: 11/03/09  
revised: mjl 11/09/09  
revised: mjl 12/07/09  
revised: mjl 01/29/10  
filepath: g:\blackburn\property id\ artwork\layouts

user: Monument v5

scale: 3/4" = 1'-0" notes: G1.00

Exhibit  
'B'

City Council  
Atlanta, Georgia

**10- 0 -0505**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-06-37/Z-10-05**  
Date Filed: 2-22-10

**AN ORDINANCE TO AMEND ORDINANCE 06-O-0776 THAT REZONED PROPERTY FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE O-I-C (OFFICE-INSTITUTIONAL-CONDITIONAL) DISTRICT, FOR PROPERTY LOCATED AT 2812 PIEDMONT ROAD, N.E. FOR THE PURPOSE OF A CHANGE OF CONDITIONS.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **2812 Piedmont Road, N.E.**, be changed from O-I-C (Office Institutional-Conditional) District to O-I-C (Office Institutional-Conditional) District , for the purpose of a change of conditions, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 60, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



**EXHIBIT "A"**

All that tract or parcel of land lying and being located in Land Lot 60 of the 17<sup>th</sup> District of Fulton County, Georgia and being shown on a Plat of Property of Inman Park Properties, Inc. by McClung Surveying Services, Inc. by Michael R. Noles, Georgia Registered Land Surveyor No. 2646, dated July 9, 2004 and being more fully described as follows:

The True Point of Beginning is at the intersection of the northerly right of way of East Wesley Road (50 foot R/W) and the westerly right of way of Piedmont Road (80 foot R/W);

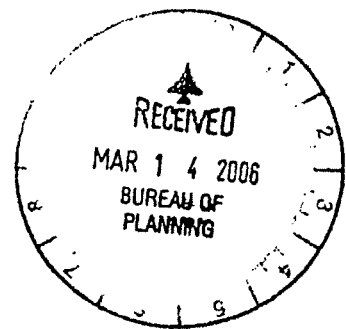
Thence running along the westerly right of way of Piedmont Road, North 06 degrees 45 minutes 04 seconds East, a distance of 104.74 feet to a rebar set;

Thence leaving the right of way of Piedmont Road and running North 85 degrees 55 minutes 38 seconds West, a distance of 97.87 feet, to an open top on the east side of a twenty foot alley;

Thence running along the east side of said Alley, South 06 degrees 54 minutes 23 seconds West, a distance of 108.35 feet to a rebar set on the northerly right of way of East Wesley Road;

Thence running along the northerly right of way of East Wesley Road, South 88 degrees 01 minutes 19 seconds East, a distance of 98.40 feet to a point on the westerly right of way of Piedmont Road being the True Point of Beginning.

Said tract or parcel containing 10,431 square feet or 0.239 acres and being known as 2812 Piedmont Road using the present system of numbering in the City of Atlanta, Georgia.



Z-06-37

Z-10-05



RCS# 126  
3/15/10  
2:21 PM

Atlanta City Council

REGULAR SESSION

10-O-0505

REZONE FR.R-4 TO O-I-C AT 2812 PIEDMONT  
ROAD-AMEND 06-O-0776  
REFER ZRB/ZONE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	NV Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

10-O-0505

# **COMMITTEE AMENDMENT FORM**

**DATE: 06/16/10**

**COMMITTEE     ZONING                      PAGE NUM(S)**

**ORDINANCE I. D.     #10-O-0337                      SECTION (S)**

**RESOLUTION I. D. #10-R-                      PARA.**

**AMENDS THE LEGISLATION BY ADDING ONE (1) CONDITION  
TO THE LEGISLATION A SITE PLAN RECEIVED BY THE  
BUREAU OF PLANNING 02/11/10.**

**AMENDMENT DONE BY COUNCIL STAFF 06/16/10.**

Municipal Clerk  
Atlanta, Georgia

**10-O-0337**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-10-07**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-05.005 (1) (c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **CHURCH** is hereby granted. Said use is granted to **ST. JAMES UNITED METHODIST CHURCH** and is to be located at **4400 PEACHTREE DUNWOODY ROAD, N.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 42, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for U-10-07 for 4400 Peachtree-Dunwoody Road, N.E.**

1. Site plan dated January 19, 2010 and marked received by the Bureau of Planning February 11, 2010.



1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

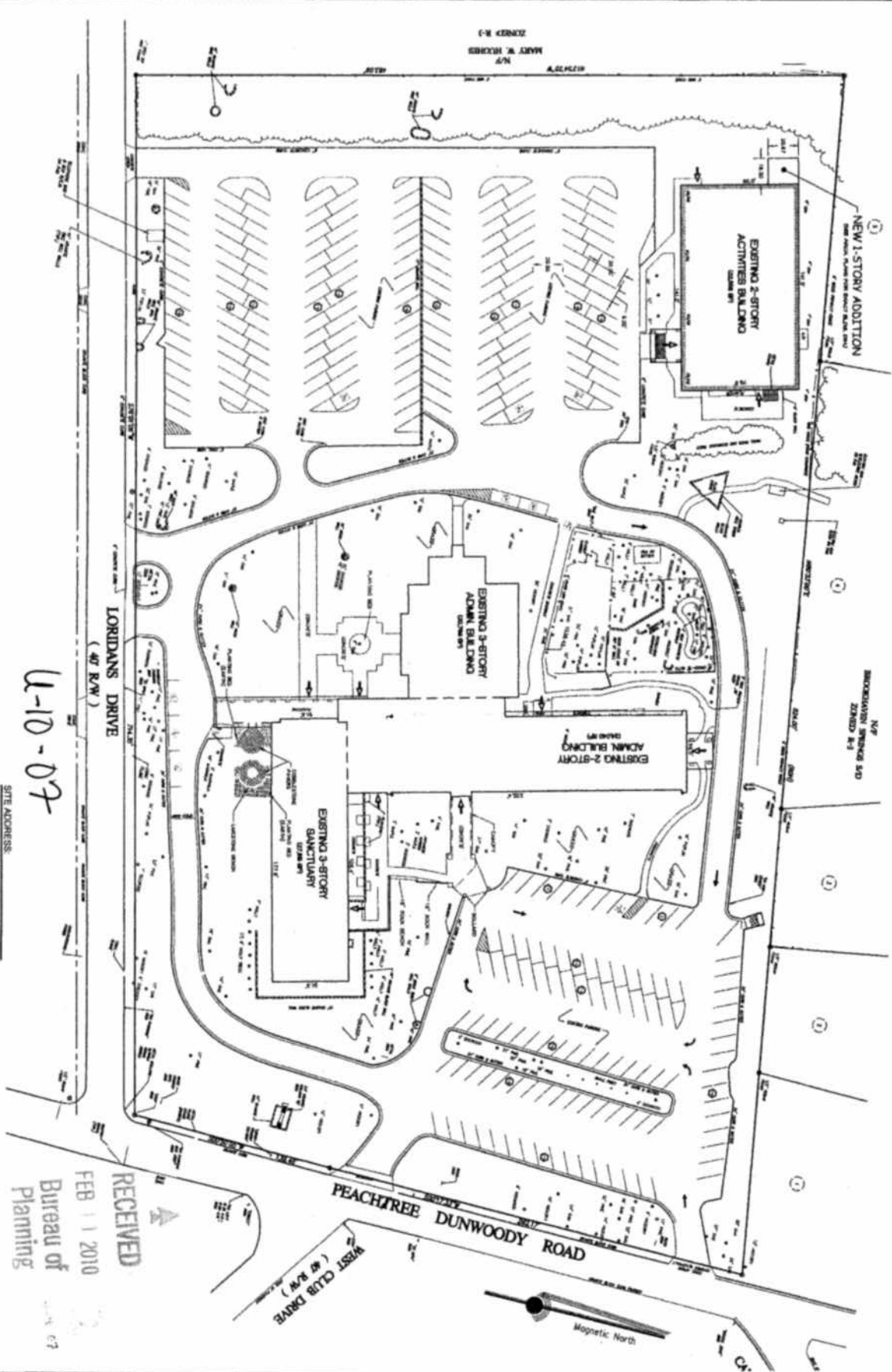
1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

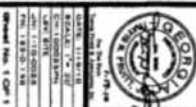
1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]

1" = 100' SCALE  
DATE: 11/11/09  
BY: [Signature]



U-10-07

RECEIVED  
FEB 11 2010  
Bureau of  
Planning



**SITE PLAN**  
**St JAMES UMC**  
**STORAGE ADDITION / ACTIVITIES BUILDING**  
City of Atlanta, Land Lot 42, 17th District, Fulton County, Georgia

4117 Park Drive - Suite 400  
Norcross, Georgia 30093  
Phone: (770) 416-7911  
Fax: (770) 416-4759  
www.buckleyinc.com  
Survey From: 10/10/2009

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Municipal Clerk  
Atlanta, Georgia

10- 0 -0337

U-10-07

AN ORDINANCE  
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-05.005 (1) (c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **CHURCH** is hereby granted. Said use is granted to **ST. JAMES UNITED METHODIST CHURCH** and is to be located at **4400 PEACHTREE DUNWOODY ROAD, N.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 42, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

U-10-07

ATLANTA TITLE NUMBER 179,786

## LEGAL DESCRIPTION

(U-10-07)

All that tract or parcel of land lying and being in the City of Atlanta, in Land Lot 42 of the 17th District of Fulton County, Georgia, being more particularly described as follows:

Beginning at the northwest corner of Peachtree-Dunwoody Road and Loridans Drive, and running thence south 76 degrees 30 minutes west, along the north side of Loridans Drive, 715 feet to an iron pin; thence north 13 degrees 30 minutes west, 482.6 feet; thence north 80 degrees 33 minutes east, 824 feet to an iron pin on the west side of Peachtree-Dunwoody Road; thence south along the west side of Peachtree-Dunwoody Road, 434 feet to the point of beginning; being improved property known as no. 4400 Peachtree-Dunwoody Road, according to the present system of numbering houses in the City of Atlanta. EXCEPTING from the above described property any part taken for widening either Peachtree-Dunwoody Road or Loridans Drive.

Fulton County, Georgia  
Recorded Deed Book 3290  
page 63  
Filed December 31, 1957

RCS# 106  
3/01/10  
3:07 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 10-O-0336, 10-O-0337, 10-O-0404, 10-O-0405

REFER ZRB/ZONE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 2  
ABSENT 0

Y Smith	NV Archibong	Y Moore	E Bond
E Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE



# **COMMITTEE AMENDMENT FORM**

**DATE: 06/16/10**

**COMMITTEE    ZONING                      PAGE NUM(S)**

**ORDINANCE I. D.    #10-O-0520                      SECTION (S)**

**RESOLUTION I. D. #10-R-                      PARA.**

**AMENDS THE LEGISLATION BY ADDING TWO (2) CONDITIONS  
TO THE LEGISLATION, ONE OF WHICH IS A SITE PLAN  
RECEIVED BY THE BUREAU OF PLANNING 03/09/10.**

**AMENDMENT DONE BY COUNCIL STAFF 06/16/10.**

Municipal Clerk  
Atlanta, Georgia

**10-O-0520**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-10-10**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-05.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **PREKINDERGARTENS/ KINDERGARTENS** is hereby granted. Said use is granted to **INTERNATIONAL SCHOOL BUCKHEAD LLC** and is to be located at **4100 ROSWELL ROAD (AKA 4136 ROSWELL ROAD)**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 96, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for U-10-10 for 4100 Roswell Road (aka 4136 Roswell Road), N.E.**

1. A site plan dated 01/27/04 and marked received by the Bureau of Planning March 9, 2010.
2. The Special Use permit shall be valid so long as Suzanne Darley is owner and operator of the International School Buckhead, LLC and shall not be transferred.

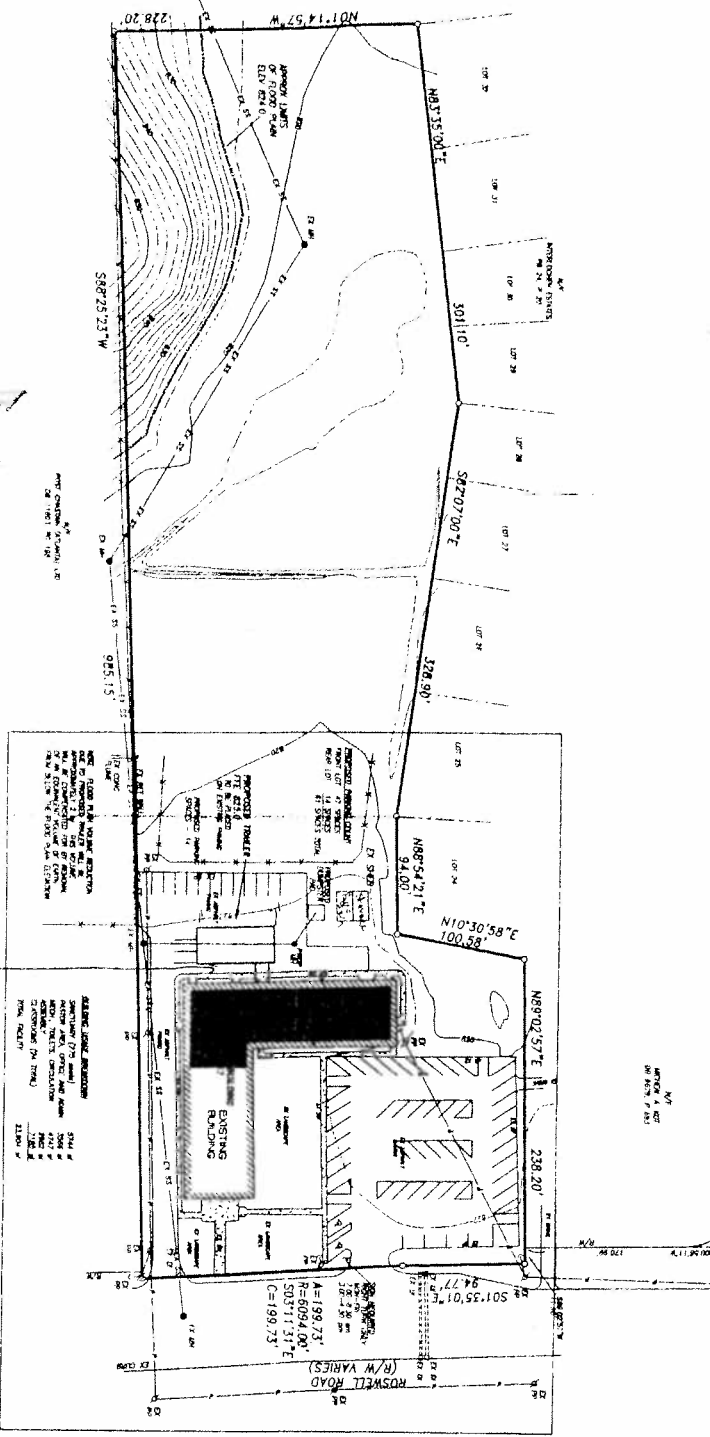
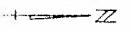
**CAUTION**

THESE PLANS ARE THE PROPERTY OF THE ENGINEER. NO PART OF THESE PLANS ARE TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. ANY VIOLATION OF THIS NOTICE WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

**DALL FREE**

1-202-382-7111

THESE WORKING DRAFTS BECOME VOID BY



RECEIVED  
JAN 10 2010  
CITY OF ATLANTA

6-10-10

**PROPERTY ADDRESS**  
ATLANTA PUBLIC SCHOOLS  
AT BUCKHEAD FIRST CHURCH  
4100 ROSWELL ROAD  
ATLANTA, GA 30342

**CONTACT**  
MR. DAVID HADLOW  
304-577-7222

**ATLANTA URBAN**  
DESIGN COMMISSION

☐ APPROVED  
☐ REVIEWED & COMMENTED  
*[Signature]*



NOTE: PLEASE VERIFY ALL DIMENSIONS



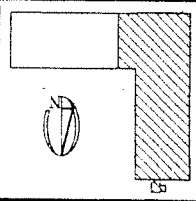
**SARAH SMITH ELEMENTARY**  
PROPOSED NAME  
FOR ATLANTA PUBLIC  
SCHOOLS

**Cheeks/Hornbein**  
ARCHITECTS

**PJL ENGINEERING, INC.**  
STRUCTURAL ENGINEER

**JOHN DESIGN GROUP**  
3000 WINTER STATION  
NORTOLLA, GEORGIA  
30135  
800.476.4444

**WILLIAMS, INC.**  
1000 W. 10TH STREET  
ATLANTA, GA 30309  
404.525.1100



NO.	DATE	DESCRIPTION
1	01/10/2010	PRELIMINARY
2	01/10/2010	REVISION
3	01/10/2010	REVISION
4	01/10/2010	REVISION
5	01/10/2010	REVISION
6	01/10/2010	REVISION
7	01/10/2010	REVISION
8	01/10/2010	REVISION
9	01/10/2010	REVISION
10	01/10/2010	REVISION

**AO-1**

Municipal Clerk  
Atlanta, Georgia

10- 0 -0520

U-10-10

AN ORDINANCE  
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-05.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **PREKINDERGARTENS/ KINDERGARTENS** is hereby granted. Said use is granted to **INTERNATIONAL SCHOOL BUCKHEAD LLC** and is to be located at **4100 ROSWELL ROAD (AKA 4136 ROSWELL ROAD)**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 96, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**LEGAL DESCRIPTION**

4100 Roswell Road

All that certain tract, lot, piece or parcel of land lying and being in Land Lot 96 of the 17th District, Fulton County, Georgia, being more particularly described as follows:

COMMENCE at a point at the intersection of the southerly right-of-way line of Interlochen Drive (50 foot right-of-way) and the westerly right-of-way line of Roswell Road (right-of-way varies), said point being the POINT OF COMMENCEMENT:

Thence continuing from said POINT OF COMMENCEMENT and running along the westerly right-of-way line of Roswell Road (right-of-way varies), south 00 degrees 58 minutes 11 seconds west a distance of 170.99 feet to a point;

Thence continuing north 89 degrees 2 minutes 57 seconds east a distance of 11.90 feet to a point in the westerly right-of-way line of Roswell Road, said point being the POINT OF BEGINNING;

Thence continuing from said POINT OF BEGINNING, along the westerly right-of-way line of Roswell Road (right-of-way varies), south 01 degrees 35 minutes 01 second east a distance of 94.77 feet to a point;

Thence continuing along the westerly right-of-way line of Roswell Road (right-of-way varies) on a curve having a radius of 6,094.00 feet, an arc distance of 199.73 feet said arc being subtended by a chord bearing south 03 degrees 11 minutes 31 seconds east a distance of 199.73 feet to a point;

Thence leaving said westerly right-of-way line of Roswell Road (right-of-way varies) and continuing south 88 degrees 25 minutes 23 seconds west a distance of 985.15 feet to a point;

Thence continuing north 01 degrees 14 minutes 57 seconds west a distance of 228.20 feet to a point;

Thence continuing north 83 degrees 35 minutes 00 seconds east a distance of 301.10 feet to a point;

Thence continuing south 82 degrees 07 minutes 00 seconds east a distance of 328.90 feet to a point;

Thence continuing north 88 degrees 54 minutes 21 seconds east a distance of 94.00 feet to a point;

Thence continuing north 10 degrees 30 minutes 58 seconds east a distance of 100.58 feet to a point;

Thence continuing north 89 degrees 02 minutes 57 seconds east a distance of 238.20 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said tract containing 5.5293 acres of land.

SEE PLAT  
MAR  
2002  
FULTON COUNTY

RCS# 178  
4/19/10  
3:47 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

10-O-0520, 10-O-0521, 10-O-0522, 10-O-0523  
10-O-0524  
REFER ZRB/ZONE

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE

City Council  
Atlanta, Georgia

10-0-0013

A SUBSTITUTE ORDINANCE  
BY:

Z-07-113  
Date Filed: 11-9-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **460 Englewood Avenue, S. E.**, changed from the I-1-C (Light Industrial-Conditional) District to the MR4A-C (Multi-Family Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 42, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



# COMMITTEE AMENDMENT FORM

DATE: 04/29/09

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #07-O-2527 SECTION (S)

RESOLUTION I. D. #09-R- PARA.

AMENDS THE LEGISLATION BY INSERTING A NEW LEGAL DESCRIPTION.

AMENDMENT DONE BY COUNCIL STAFF 4/29/09

**LEGAL DESCRIPTION  
TRACT 3**



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 42 of the 14<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from an iron pin found at the intersection of the easterly right-of-way line of Mailing Avenue (60' R/W) with the northerly right-of-way line of Englewood Avenue (60' R/W); thence along said right-of-way line of Englewood Avenue South 89 degrees 03 minutes 56 seconds East a distance of 131.96 feet to an iron pin found; thence South 88 degrees 55 minutes 26 seconds East a distance of 178.05 feet to a point; thence South 89 degrees 02 minutes 28 seconds East a distance of 200.50 feet to an iron pin found (3/4" Re-Rod) and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established, thence leaving said right-of-way line North 02 degrees 39 minutes 40 seconds East a distance of 81.50 feet to a point; thence North 02 degrees 39 minutes 40 seconds East a distance of 71.10 feet; thence North 02 degrees 39 minutes 40 seconds East a distance of 277.40 feet to an iron pin set; thence North 02 degrees 39 minutes 40 seconds East a distance of 30.00 feet to a point; thence North 00 degrees 51 minutes 10 seconds East a distance of 332.00 feet to an Iron Pin Set; thence North 00 degrees 51 minutes 10 seconds East a distance of 100.00 feet to a point on the southerly right-of-way line of Atlanta West Point Railroad (Variable R/W); thence along said right-of-way North 70 degrees 03 minutes 40 seconds East a distance of 78.30 feet to a point; thence North 69 degrees 25 minutes 10 seconds East a distance of 243.50 feet to a point; thence leaving said right-of-way line South 00 degrees 51 minutes 10 seconds West a distance of 550.00 feet to an Iron Pin Set; thence South 02 degrees 39 minutes 40 seconds West a distance of 460.00 feet to an Iron Pin Set on the northerly right-of-way line of Englewood Avenue; thence along said right-of-way line North 88 degrees 54 minutes 46 seconds West a distance of 299.86 feet to an Iron Pin Found (3/4" Re-Rod) and the TRUE POINT OF BEGINNING.

Said tract containing 6.540 acres.

## **CONDITIONS FOR Z-07-113 for 460 Englewood Avenue, S.E.**

### **1. Building Façade Materials and Treatments:**

- a. All exterior building façades excluding interior courtyards shall be composed of a minimum of 35% masonry. For the purpose of these conditions, "masonry" is defined as "mineral-based building materials such as terracotta, mortar, stone, and brick."
- b. The following materials shall be prohibited on all building façades: exposed pressure-treated wood; vinyl siding; vinyl railing; white, cream, or off-white solid vinyl windows; and exterior insulation finished systems (EIFS). Solid vinyl windows in other colors are permitted. Cementitious siding and panels are permitted.
- c. Foundations shall be faced in masonry. Foundations may be faced in two-coat or three-coat hard stucco if carried from the façade directly above. For the purpose of this Condition, "foundation" is defined as the surface area of the building façade below the lowest finished floor level.
- d. Exterior columns shall have a minimum width of 5 ½ inches.
- e. No exterior stairs shall be constructed of wood.
- f. Stoops shall be a minimum of four feet wide.
- g. Steps that serve porches and stoops shall have closed risers and ends.

### **2. Balconies:**

- a. 60% of all balconies facing Englewood Avenue, Boulevard Crossing Park (east side of the building) and the west and north property lines shall have a minimum depth of five feet.
- b. Railings shall consist of painted wood, ornamental metal or glass.

### **3. Residential Windows:**

- a. 50% of the residential window units shall be operable.
- b. All windows shall include windowpanes that are recessed a minimum of two inches from the façade in which they are installed.
- c. Paired windows that are grouped together shall have center mullions that are two inches wider than the side trim.
- d. Flat, "snap-in" muntins, and muntins that are sandwiched between layers of glass are prohibited.

### **4. Roofs:**

- a. Shall overhang by a minimum of 2 feet over the building façade; or
- b. Shall have parapet walls screening the roof from view from the adjacent streets and west and north property lines.

5. Awnings and Canopies:

- a. All awnings and canopies shall be made of cloth, canvas or metal. The shape of the upper surface of any awnings shall match the shape of the opening in front of which they would be attached.
- b. Internally lit awnings and canopies are prohibited. Any illumination that is provided in conjunction with the awning or canopy shall be directed downwards, not upwards towards the underside of the awning or canopy.

6. Floor to Ceiling Height: The first floor of all designated street-level live/work units shall have a minimum stud height of 12 feet measured floor to ceiling, and any commercial space shall have a minimum 15 feet measured floor to ceiling.

7. Maximum Building Height: In order to provide adequate air and light to the future green space located immediately to the east of this site, the building height shall not exceed 60 feet within 45 feet of the eastern property line.

8. Trail Easement: The property owner has voluntarily agreed to convey an easement to the City of Atlanta encompassing the northwest corner of the property. The area of the easement will be consistent with the area illustrated on the attached map entitled "Exhibit Map 1 (4/6/2009)." Within this area, the City will have the right to design, build, and maintain for public use a multi-use trail that measures up to 16' in width, with landscaped areas on both sides. The easement shall be conveyed to the City of Atlanta prior to the issuance of a BeltLine SAP. The area may be counted toward UOSR or public space requirements.

9. Connection to Park: Development shall provide pedestrian connection, as proposed by the owner, to the "Future Park Road" to the east of the property in the location indicated on the site plan dated 10/27/07 and stamped received by the Bureau of Planning on 4/21/08. .

Development shall provide a fully publicly accessible pedestrian way between the "new street" described below and the park to the east. Any buildings to the north or south of the pedestrian way will have a minimum building separation of 30 feet as measured north-south. Pedestrian way and area of building separation will be located in the approximate area indicated on "Exhibit Map 1 (4/6/2009)."

10. New Street: Development access shall be provided from a publicly accessible street built consistent with the street standards outlined in the Section 16-35 and the adopted BeltLine Street Framework Plan where the "private drive" is indicated on the site plan dated 10/27/07 and stamped received by the Bureau of Planning on 4/21/08. Any development will conform to the standards for public street frontage and improvements along the new publicly accessible street. Upon the occurrence of the first of the following:

- (1) An issuance of a Special Administrative Permit (SAP) for one of the adjacent parcels located at 430 Englewood Avenue or 1160 Mailing Avenue or;
- (2) The rezoning for one of the adjacent parcels located at 430 Englewood Avenue or 1160 Mailing Avenue,

the applicant shall provide a fully publicly accessible 24-foot wide street connection to the "Future Connection" as indicated on the site plan dated 10/27/07 and stamped received by the Bureau of Planning on 4/21/08. The actual location of the Future Connection to Mailing Avenue may vary slightly in response to future submitted site plans.

11. Relationship of Building to the Street: Development frontage along Englewood and the "New Street" described above shall conform to the standards for frontage along a Collector as described in section 16-35.014.
12. Any application for a Special Administrative Permit and any other request for an administrative variance to the zoning regulations submitted to the City of Atlanta shall be submitted to NPU Y at the same time it is submitted to the City of Atlanta.

City Council  
Atlanta, Georgia

**07-0-2527**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-07-113**  
Date Filed: 11-9-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **430 and 460 Englewood Avenue, S. E.**, changed from the I-1-C (Light Industrial-Conditional) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

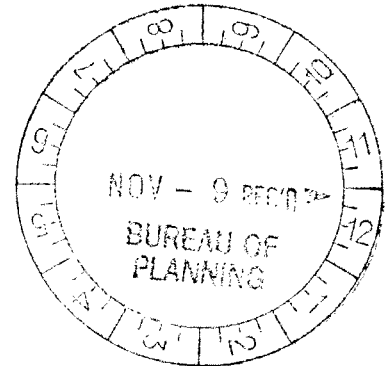
ALL THAT TRACT or parcel of land lying in Land Lot 42, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Deed Book 34995 Pg 330  
 Juanita Hicks  
 Clerk of Superior Court  
 Fulton County, Georgia



Z-07-113

EXHIBIT "A"

## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 42 of the 14th District of Fulton County, Georgia and being more particularly described as follows: Beginning at a 5/8" rebar found on the north right-of-way line of Englewood Avenue (same having a 60' right-of-way) a distance of 132 feet east of the point of intersection of said north right-of-way line of Englewood Avenue and the east right-of-way line of Mailing Avenue (having a right-of-way of 35 feet east from the center line of the paving of said Avenue); thence running north 1 degree 56 minutes 00 seconds east a distance of 199.94 feet to a 1/2" rebar found; thence running north 01 degree 20 minutes 24 seconds west a distance of 200.03 feet to a 5/8" rebar found; thence running south 89 degrees 25 minutes 22 seconds east a distance to 11.39 feet to a point marked by a nail; thence running north 2 degrees 56 minutes 00 seconds east a distance of 31.61 feet to a 1/2" rebar found; thence running south 89 degrees 21 minutes 40 seconds east, a distance of 179.94 feet to a 1/2" rebar found; thence running south 2 degrees 16 minutes 01 seconds west a distance of 2 feet to a 3/4" pin found; thence running south 89 degrees 26 minutes 30 seconds east a distance of 200.60 feet to a point now documented by an "x" marked in concrete which is located on the western line of property now or formerly owned by The Apex Corporation; thence running south 2 degrees 16 minutes 49 seconds west along the western line of property now or formerly owned by The Apex Corporation a distance of 430 feet to an iron pin with brass cap located on the north right-of-way line to Englewood Avenue; thence running north 89 degrees 25 minutes 19 seconds west along the north right-of-way line of Englewood Avenue a distance of 200.5 feet to a 3/8" rebar found; thence running north 89 degrees 14 minutes 45 seconds west along the north right-of-way line of Englewood Avenue a distance of 177.94 feet to the point-of-beginning; being improved property with two buildings located thereon known as 430 and 440 Englewood Avenue, respectively, and being more particularly shown and delineated on plat of surveyor Wilen Manufacturing Co., Inc. prepared by Travis N. Pruitt, Sr., Registered Georgia Surveyor No. 1729, dated August 21, 1980.

CORP/797407.3

RCS# 1616  
12/03/07  
3:50 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

07-O-2526, ~~02527~~, 2528, 2529, 2530, 2531, 2532  
07-O-2533, 2534, 2535, 2536  
REFER ZRB/ZONE

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	E Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE



ZONING REVIEW BOARD  
DEFERRED

ON 1-3-08  
UNTIL 3-08

*Martha Post Hall* 1-3-08  
CHAIRMAN Date

DEPARTMENTAL AUTHORIZATION

ZONING REVIEW BOARD  
DEFERRED

ON 3-13-08  
UNTIL 5-08

*Martha Post Hall* 3-13-08  
CHAIRMAN Date

ZONING REVIEW BOARD  
DEFERRED

ON 11/15/08  
UNTIL 4/30/09

*Martha Post Hall* 11/15/08  
CHAIRMAN Date

ZONING REVIEW BOARD  
DEFERRED

ON 5-1-08  
UNTIL 6-08

*Martha Post Hall* 5-1-08  
CHAIRMAN Date

ZONING REVIEW BOARD  
FAVORABLE CONDITIONAL

*Martha Post Hall* - JC - ZRB  
CHAIRMAN Date 7/9/09 action

ZONING REVIEW BOARD  
DEFERRED

ON 6-5-08  
UNTIL 8-08

*Martha Post Hall* 6-5-08  
CHAIRMAN

ZONING REVIEW BOARD  
DEFERRED

ON 08/07/08  
UNTIL 01/30/09

*Martha Post Hall* 8/7/08  
CHAIRMAN Date

07-0-2527

(Do Not Write Above This Line)

AN ORDINANCE Z-07-113  
BY: ZONING COMMITTEE

An ordinance to rezone from the I-1-C  
(Light Industrial-Conditional) District to  
the MRC-3 (Mixed Residential  
Commercial) District, property located at  
430 and 460 Englewood Avenue, S. E.,  
fronting approximately 678 feet on the  
north side of Englewood Avenue  
beginning approximately 132 feet from  
the northeast corner of Mailing Avenue.  
Depth: approximately 1, 010 feet. Area:  
approximately 10.32 acres. Land Lot 42,  
14<sup>th</sup> District, Fulton County, Georgia.  
OWNER: JWGST LLC/JOSEPH  
WILES  
APPLICANT: JASON FRITZ  
NPU-Y COUNCIL DISTRICT 1

- ☐ CONSENT REFER  
☒ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred 12/03/07  
Referred To: 2008-1 Council  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading

Committee Date  
Chair Date  
Referred To

Committee  
Date

Chair  
Date

Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members

Committee  
Date

Chair  
Date

Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members

Refer To

Refer To

Committee  
Date

Chair  
Date

Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members

Committee  
Date

Chair  
Date

Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION

City Council  
Atlanta, Georgia

10-0-0018

A SUBSTITUTE ORDINANCE  
BY:

Z-08-73  
Date Filed: 9-17-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1146 Portland Street, S.E., 1152 Portland Street, S.E. 1131 Glenwood Avenue, S.E., 1137 Glenwood Avenue, S.E.**, be changed from the R-4 (Single Family Residential) District to the MR-2-C (Multifamily Residential) District/ Beltline Overlay District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 12, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

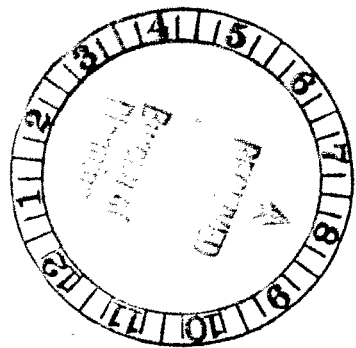
**Conditions for Z-08-73**  
**for**  
**1146 and 1152 Portland Street, S.E and 1131 and 1137 Glenwood Avenue, S.E.**

**Note: The four parcels referenced above are part of a larger development that is reflected on the site plans. Only the four parcels referenced above are a part of the rezoning request. The request is for the parcels that are currently zoned R-4 (Single family Residential) to be rezoned to MR-2-C.**

- 1) Site Plan and Building Elevations: A site plan and building elevations labeled "525 Moreland Avenue" similar to the plans prepared by Rutledge Alcock Architects, LLC dated April 16, 2009 and stamped "received" by the Bureau of Planning on May 7, 2009. These plans are conceptual and are not intended to prohibit application of the MR-2, NC-2, or Beltline Overlay District regulations.
2. Bicycle Parking: A minimum of twenty-five percent (25%) of the bicycle parking spaces mandated by the Beltline Overlay district shall be located within the parking structure or building.
3. Parking Structure: On the roof of the enclosed parking structure on the western side, there shall be the following:
  - a) A planter no less than five feet (5') in width and no less than forty two inches (42") in height; and,
  - b) This planter shall contain ornamental trees and evergreens which shall have the effect of blocking the view to the west from the roof of the parking structure.
4. Building Facade Materials and Treatments:
  - a) All exterior building facades below twenty-four (24) feet in height shall be composed of masonry defined as "mineral-based building materials such as terracotta, mortar, stone, and brick."
  - b) The following materials shall be prohibited on all building facades: exposed pressure-treated wood; vinyl siding; vinyl railing; vinyl windows; and exterior insulation finished systems ("EIFS").
  - c) Window frames shall be recessed a minimum of two (2) inches from the adjoining plane.
  - d) All Window mullions and divisions to be assembled in the sash using muttons (i.e., in "true divided light" fashion).
  - e) No exterior stairs shall be constructed of wood.
  - f) Any satellite dishes, telecommunications equipment, mechanical equipment, HVAC equipment, or similar items shall not be visible from any public or private street.
  - g) Dumpsters and loading areas shall be screened so as not to be visible from any adjacent public or private street that is located at the same elevation as the dumpster or loading area with architecturally decorative fencing, landscape material, or hidden inside parking structure.
5. Workforce Housing: Five percent (5%) of the residential units for lease in this structure shall be dedicated to persons or households whose incomes do not exceed eighty percent (80%) of the area

median income (AMI) as established annually by the U. S. Department of Housing and Urban Development for the metropolitan area that includes the city of Atlanta.

6. Greenbuilding: The development will attain either a LEED certification from the U. S. Green Building Council or an EarthCraft House Multifamily Program certification from Southface Energy Institute. Evidence of such certification shall be submitted to the Bureau of Planning prior to issuance of the Certificate of Occupancy.
7. The applicant or developer shall submit a copy of any application for a Special Administrative Permit or any request for variations from the zoning regulations to the NPU W Zoning Contact at the same time the application is submitted to the City of Atlanta Bureau of Planning. Evidence of this submission must be provided to the Director of the Bureau of Planning.



525 MORELAND AVENUE  
A FORTY-FOURTH ST. CORN. NEW YORK 25

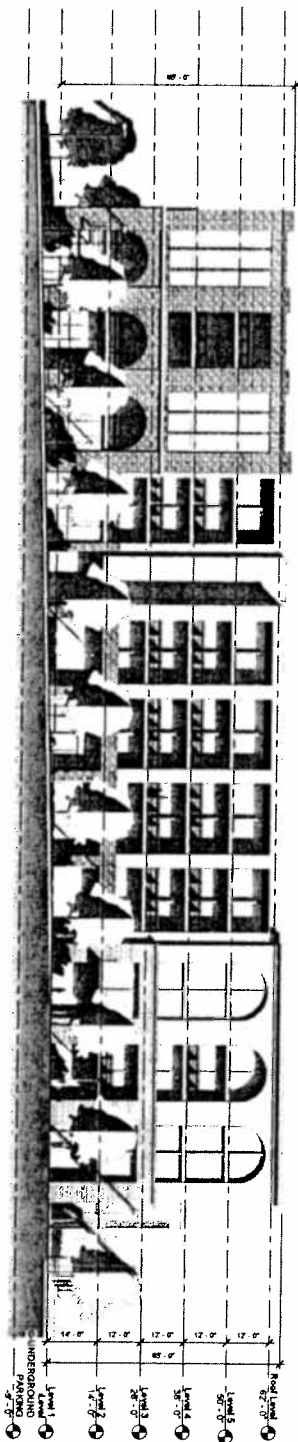
project number



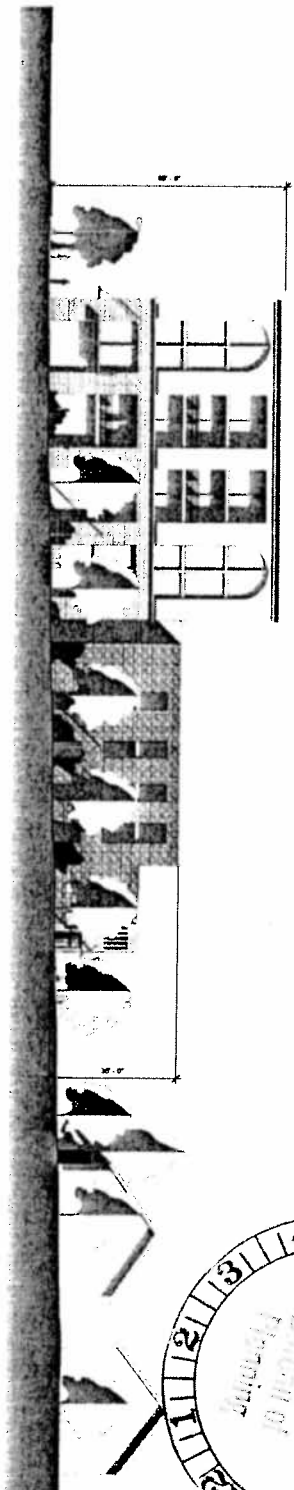
619 east college  
avenue, suite d1  
decatur, ga.  
3 0 0 3 0  
ph: 404 214 5797

Z101

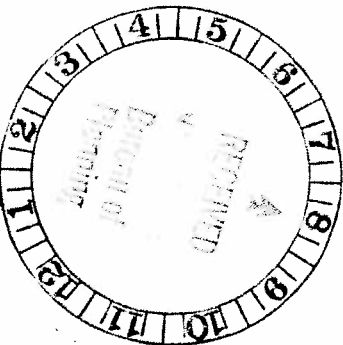
# SITE PLAN



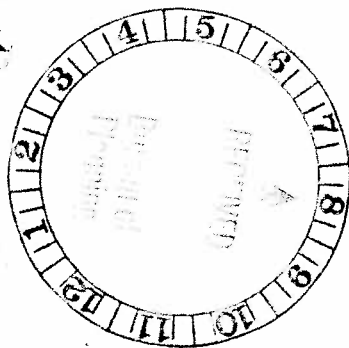
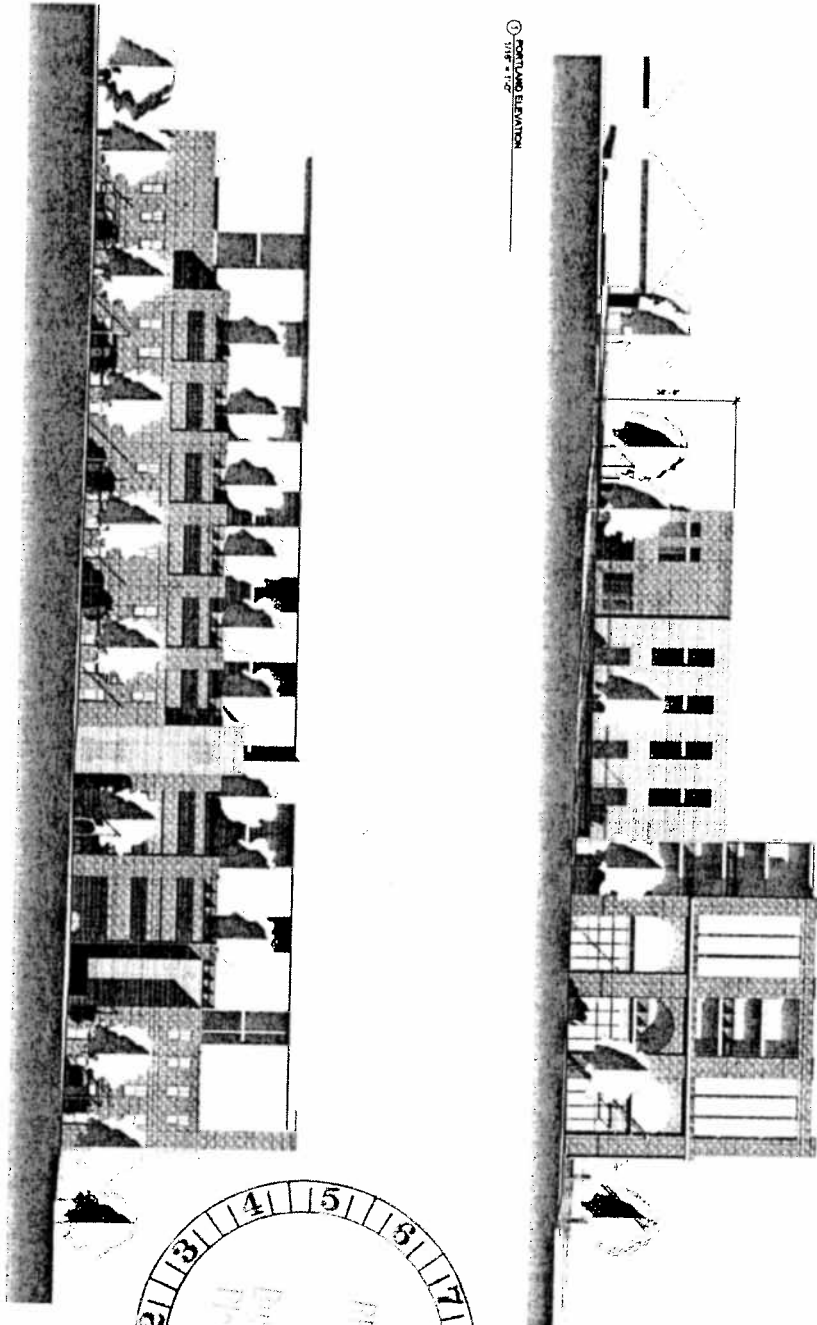
① FRONT ELEVATION



② SIDE ELEVATION



<p>ruleedge atcock</p> <p>510 east college newport news, va decatur, ga 30030 ph. 404.214.5797</p>		<p>project number:</p> <p>525 MORELAND AVENUE</p>	<p>project:</p> <p>APRIL 16, 2009 ZONING APPLICATION</p>	<p>sheet name:</p> <p>EXTERIOR ELEVATIONS</p>	<p>dwg number:</p> <p>Z301</p>
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nulleedge atcock  
 619 east college  
 avenue, suite 41  
 decatur, ga  
 30030-3300  
 ph: 404 214 5797



project number:

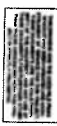
525 MORELAND AVENUE

project:

APRIL 16, 2008  
 2008  
 APPLICATION

sheet name:  
 EXTERIOR  
 ELEVATIONS

dwg number:  
 Z302





**LEGAL DESCRIPTION; #1146 & 1152 PORTLAND AVENUE  
AND #1131 & 1137 GLENWOOD AVENUE (BASED ON SURVEY  
BY VALENTINO)**

All that tract or parcel of land lying and being in Land Lot 12 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino and Associates, Inc., [Job #28019; Drawing/File #28019], bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a 1/2"iron pin found at the intersection of the westerly right-of-way line of Moreland Avenue (AKA US. HWY #23/S.R. #42; apparent 70' r/w) and the northerly right-of-way line of Portland Avenue (50' r/w).

THENCE proceeding along said northerly right-of-way line of Portland Avenue North 89 degrees 38 minutes 55 seconds West for a distance of 150.14 feet to a 1"crimp-top pipe found, said 1"crimp-top pipe found being the POINT OF BEGINNING;

THENCE continuing along said northerly right-of-way line of Portland Avenue North 89 degrees 51 minutes 49 seconds West for a distance of 49.77 feet to a 1/2"open-top pipe found;

THENCE continuing along said northerly right-of-way line of Portland Avenue North 89 degrees 43 minutes 19 seconds West for a distance of 50.19 feet to a nail found;

THENCE departing said northerly right-of-way line of Portland Avenue North 00 degrees 25 minutes 12 seconds East for a distance of 150.07 feet to a 1/2"iron pin set;

THENCE North 00 degrees 25 minutes 12 seconds East for a distance of 160.04 feet to a 3/8"iron pin found on the southerly right-of-way line of Glenwood Avenue (50' r/w);

THENCE proceeding along said southerly right-of-way line of Glenwood Avenue South 87 degrees 19 minutes 32 seconds East for a distance of 49.80 feet to a 3/4"open-top pipe found;

THENCE continuing along said southerly right-of-way line of Glenwood Avenue South 87 degrees 35 minutes 09 seconds East for a distance of 49.97 feet to a 1"open-top pipe found;

THENCE departing said southerly right-of-way line of Glenwood Avenue South 00 degrees 13 minutes 09 seconds West for a distance of 105.85 feet to a disturbed 1"crimp-top pipe found;

THENCE South 00 degrees 36 minutes 44 seconds West for a distance of 49.94 feet to a 1/2"iron pin found;

THENCE South 00 degrees 18 minutes 37 seconds West for a distance of 50.09 feet to a 1/2"iron pin set;

THENCE South 00 degrees 18 minutes 37 seconds West for a distance of 50.09 feet to a 1"open-top pipe found;

THENCE South 00 degrees 35 minutes 16 seconds West for a distance of 50.08 feet to a 1"crimp-top pipe found on the northerly right-of-way line of Portland Avenue, said 1"crimp-top pipe found being the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 0.707 acres or 30,794 square feet.

City Council  
Atlanta, Georgia

**08-0-2125**

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-08-73**  
Date Filed: 9-17-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1146 Portland Street, S.E., 1152 Portland Street, S.E. 1131 Glenwood Avenue, S.E., 1137 Glenwood Avenue, S.E., 525/527 Moreland Avenue, S.E. 529 Moreland Avenue, S.E., 535 Moreland Avenue, S.E. and 537 Moreland Avenue, S.E.**, be changed from the R-4 (Single Family Residential) District and NC-2 (Neighborhood Commercial) District to the NC-2 (Neighborhood Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 12, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

# **LEGAL DESCRIPTIONS/CURRENT LAND USE AND ZONING BY PARCELS**

1146 Portland Street	landuse: single family	zoning: R-4
1152 Portland Street	landuse: single family	zoning: R-4
1131 Glenwood Avenue	landuse: single family	zoning: R-4
1137 Glenwood Avenue	landuse: single family	zoning: R-4
525/527 Moreland Avenue	landuse: low density commercial	zoning: NC-2
529 Moreland Avenue	landuse: low density commercial	zoning: NC-2
535 Moreland Avenue	landuse: low density commercial	zoning: NC-2
537 Moreland Avenue	landuse: low density commercial	zoning: NC-2

RECEIVED  
SEP 17 2008  
BUREAU OF  
PLANNING

## **LEGAL DESCRIPTION; TRACTS 1 THROUGH 8; BASED ON SURVEY BY VALENTINO**

All that tract or parcel of land lying and being in Land Lot 12 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated as Tracts 1 through 7 on a plat of survey prepared by Valentino and Associates, Inc., (Job #28019; Drawing/File #28019), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found at the intersection of the westerly right-of-way line of Moreland Avenue (AKA US. HWY #23/S.R. #42; apparent 70' r/w) and the northerly right-of-way line of Portland Avenue (50' r/w).

THENCE proceeding along said northerly right-of-way line of Portland Avenue the following courses and distances:

North 89 degrees 38 minutes 55 seconds West for a distance of 150.14 feet to a 1" crimp-top pipe found;

THENCE North 89 degrees 51 minutes 49 seconds West for a distance of 49.77 feet to a 1/2" open-top pipe found;

THENCE North 89 degrees 43 minutes 19 seconds West for a distance of 50.19 feet to a nail found;

THENCE departing said northerly right-of-way line of Portland Avenue North 00 degrees 25 minutes 12 seconds East for a distance of 150.07 feet to a 1/2" iron pin set;

THENCE North 00 degrees 25 minutes 12 seconds East for a distance of 160.04 feet to a 3/8" iron pin found on the southerly right-of-way line of Glenwood Avenue (50' r/w);

THENCE proceeding along said southerly right-of-way line of Glenwood Avenue South 87 degrees 19 minutes 32 seconds East for a distance of 49.80 feet to a 3/4" open-top pipe found;

THENCE departing said southerly right-of-way line of Glenwood Avenue South 00 degrees 20 minutes 49 seconds West for a distance of 157.77 feet to a 1" crimp-top pipe found;

THENCE South 89 degrees 51 minutes 11 seconds East for a distance of 49.95 feet to a 1/2" iron pin found;

THENCE North 00 degrees 36 minutes 44 seconds East for a distance of 49.94 feet to a disturbed 1" crimp-top pipe found;

THENCE North 00 degrees 13 minutes 09 seconds East for a distance of 105.85 feet to a 1" open-top pipe found on the southerly right-of-way line of Glenwood Avenue;

THENCE proceeding along said southerly right-of-way line of Glenwood Avenue South 87 degrees 24 minutes 59 seconds East for a distance of 150.20 feet to a 1/2" iron pin set at the intersection of said southerly right-of-way line of Glenwood Avenue and the westerly right-of-way line of Moreland Avenue;

THENCE proceeding along said westerly right-of-way line of Moreland Avenue the following courses and distances:

South 00 degrees 17 minutes 29 seconds West for a distance of 100.00 feet to a 1" crimp-top pipe found;

THENCE South 00 degrees 22 minutes 32 seconds West for a distance of 99.73 feet to a 1" open-top pipe found;

THENCE South 00 degrees 27 minutes 50 seconds West for a distance of 50.43 feet to a 1" open-top pipe found;

THENCE South 00 degrees 22 minutes 45 seconds West for a distance of 50.03 feet to a 1/2" iron pin found at the intersection of the westerly right-of-way line of Moreland Avenue and the northerly right-of-way line of Portland Avenue, said 1/2" iron pin found being the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 1.571 acres or 68,428 square feet, and is intended to be the same tracts of land that were previously conveyed in Deed Book 40880, Page 398, Deed Book 45493, Page 23, Deed Book 13393, Page 279, and Deed Book 46030, Page 509, (combined) Fulton County Georgia Records.

#### **TOGETHER WITH:**

All that tract or parcel of land lying and being in Land Lot 12 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino and Associates, Inc., [Job #28019; Drawing/File #28019(Tract 8)], bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a 1/2" iron pin found at the intersection of the westerly right-of-way line of Moreland Avenue (AKA US. HWY #23/S.R. #42; apparent 70' r/w) and the northerly right-of-way line of Glenwood Avenue (50' r/w).

THENCE proceeding along said northerly right-of-way line of Glenwood Avenue North 87 degrees 33 minutes 00 seconds West for a distance of 145.46 feet to a 1/2" iron pin set;

THENCE departing said northerly right-of-way line of Glenwood Avenue North 00 degrees 23 minutes 37 seconds East for a distance of 89.36 feet to a 1/2" iron pin set;

THENCE South 89 degrees 02 minutes 40 seconds East for a distance of 146.09 feet to a 1/2" iron pin found inside an open-top pipe, located on the westerly right-of-way line of Moreland Avenue;

THENCE proceeding along said westerly right-of-way line of Moreland Avenue South 00 degrees 50 minutes 15 seconds West for a distance of 93.15 feet to a 1/2" iron pin found at the intersection of the westerly right-of-way line of Moreland Avenue and the northerly right-of-way line of Glenwood Avenue, said 1/2" iron pin found being the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 0.305 acres or 13,299 square feet, and is intended to be the same tract of land that was previously conveyed in Deed Book 29225, Page 550, Fulton County Georgia Records.

RCS# 2544  
11/03/08  
5:08 PM

Atlanta City Council

SPECIAL SESSION

MULTIPLE

08-O-2071, 08-O-2123, 08-O-2124, ~~08-O-2125~~  
08-O-2126, 08-O-2127, 08-O-2129  
REFER ZRB/ZONE

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 2

B Smith	NV Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	B Muller	Y Sheperd	NV Borders

MULTIPLE

DEPARTMENTAL AUTHORIZATION

CHAIRMAN		Date
<i>Mark J. [Signature]</i>		
ZONING REVIEW BOARD		
FAVORABLE OF SUBSTITUTE		

CHAIRMAN		Date
<i>Mark J. [Signature]</i>		
ZONING REVIEW BOARD		
DEFERRED		
ON	UNTIL	
<i>12/15/09</i>	<i>12/15/09</i>	

CHAIRMAN		Date
<i>Mark J. [Signature]</i>		
ZONING REVIEW BOARD		
DEFERRED		
ON	UNTIL	
<i>12/15/09</i>	<i>12/15/09</i>	

08-0-2125

(Do Not Write Above This Line)

AN ORDINANCE Z-08-73  
BY ZONING COMMITTEE

An Ordinance to rezone from the R-4 (Single Family Residential) District and NC-2 (Neighborhood Commercial) Districts to the NC-2 (Neighborhood Commercial) District, property located at 1146 Portland Street, S.E., 1152 Portland Street, S.E. 1131 Glenwood Avenue, S.E., 1137 Glenwood Avenue, S.E., 525/527 Moreland Avenue, S.E. 529 Moreland Avenue, S.E., 535 Moreland Avenue, S.E. and 537 Moreland Avenue, S.E., fronting approximately 250 feet on the north side of Portland Avenue, approximately 300 feet on the west side of Moreland Avenue and approximately 250 feet on the south side of Glenwood Avenue. Depth: varies. Area: approximately 1.75 acres. Land Lot 12, 14<sup>th</sup> District, Fulton County, Georgia.  
OWNER: GEORGE ROHRIG  
APPLICANT: JOSEPH ALCOCK  
NPU: W  
COUNCIL DISTRICT 1

First Reading

Committee Date  
Chair  
Referred To

Committee Date  
Chair

May 2, 2008

Fav, Adv, Hold (see rev. side)  
ON SUBMIT

Members

Committee Date

Chair

Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

Committee Date

Committee Date

Chair

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Members

Date Referred 11-3-2008

Referred To: 2008/12/03

Date Referred

Referred To:

Date Referred

Referred To:

CERTIFIED

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

MAYOR'S ACTION

Municipal Clerk  
Atlanta, Georgia

10- 0 -0035

U-09-22

AN ORDINANCE  
BY:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-08.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **DAY CARE CENTER** is hereby granted. Said use is granted to **CHARITABLE CONNECTIONS, INC.** and is to be located at **3751 MARTIN LUTHER KING, JR. DRIVE, S.W.,** , to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 15, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



EXHIBIT "A"

DESCRIPTION OF THE LAND

RECEIVED  
OCT 1 1971  
BUREAU OF  
PROPERTY

U-09-22

ALL THAT TRACT OR PARCEL OF LAND, lying, being and situate in Land Lot 15 of the 14 FF District of Fulton County, Georgia, being 5.817 acres, more or less, together with all improvements located thereon, as originally shown on plat for Park West Apartments recorded in Plat Book 87, Page 93, Fulton County, Georgia Records, but which property is more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING of the lot herein described, commence at the Right-Of-Way Monument marking the point of intersection of the northeast right-of-way line of Martin Luther King Jr. Drive [a 90 foot right of way at this point] and the northwesterly right-of-way line of Bolton Road; thence running along the northeast right-of-way line of Martin Luther King Jr. Drive North 32 degrees 11 minutes 47 seconds West a distance of 164.45 feet to a Right-Of-Way Monument; thence running in a northwesterly direction along the northeasterly right-of-way line of Martin Luther King Jr. Drive along the arc of a curve in the northeasterly right-of-way of Martin Luther King Jr. Drive a distance of 3.84 feet to a point [Rebar found 1.0 feet northwest of this point], the aforesaid arc being subtended by a chord line having a length of 3.84 feet, said

curve having a radius of 3,100.77 feet North 32 degrees 13 minutes 47 seconds West; thence running North 81 degrees 31 minutes 33 seconds East a distance of 271.50 to an Open Top Found; thence running North 01 degrees 11 minutes 37 seconds East a distance of 356.89 feet to a rebar found; thence running South 88 degrees 32 minutes 24 seconds West a distance of 269.20 feet to a Rebar found; thence running North 01 degrees 28 minutes 00 seconds West a distance of 172.06 feet to a point [Rebar found 2.6 feet Southeast of said point]; thence running South 89 degrees 41 minutes 00 seconds East a distance of 82.32 feet to an Open Top found; thence running South 03 degrees 55 minutes 41 seconds East a distance of 70.63 feet to an Open Top found; thence running South 89 degrees 13 minutes 51 seconds East a distance of 340.84 feet to a point; thence running South 07 degrees 47 minutes 17 seconds West a distance of 45.93 feet to a point [Rebar found 2.6 feet East of said point]; thence running South 06 degrees 49 minutes 25 seconds West a distance of 147.88 feet to a Crimp Top found; thence running South 76 degrees 16 minutes 56 seconds East along the westerly right-of-way line of Bolton Road a distance of 268.81 feet to a point [Rebar found 1.2 feet Southwest of point]; thence running in a southwesterly direction along the arc of a curve to the right in the westerly right-of-way line of Bolton Road a distance of 217.74 feet to a Rebar found, the aforesaid arc being subtended by a chord line having a length of 217.00 feet, said curve having a radius of 762.00 feet South 18 degrees 30 minutes 49 seconds West; running thence South 25 degrees 58 minutes 47 seconds West along the westerly right-of-way line of Bolton Road a distance of 82.15 feet to a Right-Of-Way Monument found; thence running North 62 degrees 55 minutes 43 seconds West along the westerly right-of-way line of Bolton Road a distance of 22.90 feet to a Rebar found [Right-Of-Way Monument found 9.0 feet East of said point]; thence running South 26 degrees 52 minutes 47 seconds West a distance of 97.40 feet to a Re-bar found; thence running South 86 degrees 04 minutes 30 seconds West a distance of 6.00 feet to a

09-0-2026

(Do Not Write Above This Line)

U-09-22

An Ordinance granting a Special Use Permit for a Day Care Center pursuant to Section 16—08.005 (1) (b) for property located at 3751 Martin Luther King, Jr. Drive, S.W., fronting approximately 165 feet pm the southeasterly side of Martin Luther King Jr. Drive at the northeastern intersection of Martin Luther King, Jr. Drive and Bolton Road. Depth: varies. Area: approximate 5.8 acres. Land Lot 15, 14<sup>th</sup> District, Fulton County, Georgia.  
OWNER: CHARITABLE CONNECTIONS, INC.  
APPLICANT: CHARITABLE CONNECTIONS, INC./MICHELLE R. UCHIYEMA  
NPU-T COUNCIL DISTRICT 4

- ☐ **CONSENT REFER**
- ☐ **REGULAR REPORT REFER**
- ☐ **ADVERTISE & REFER**
- ☐ **1st ADOPT 2nd READ & REFER**

Date Referred 11/16/09

Referred To: ZR9 / ZONING

First Reading  
Committee Planning  
Date Nov. 7, 2009  
Chair John Hutchinson

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Held (see rev. side) Others	Action: Fav, Adv, Held (see rev. side) Others
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Held (see rev. side) Others	Action: Fav, Adv, Held (see rev. side) Others
Members	Members
Refer To	Refer To

**COUNCIL ACTION**  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

**CERTIFIED**

**MAYOR'S ACTION**

RCS# 3425  
11/16/09  
2:54 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

09-0-2021, 09-0-2022, 09-0-2023, 09-0-2024  
09-0-2025, 09-0-2026, 09-0-2027, 09-0-2028  
REFER ZRB/ZONE

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

# COMMITTEE AMENDMENT FORM

DATE: 02/24/10

COMMITTEE    ZONING

PAGE NUM(S)

ORDINANCE I. D.    #10-O-0031

SECTION (S)

RESOLUTION I. D. #10-R-

PARA.

AMENDS THE LEGISLATION BY ADDING FOUR (4) CONDITIONS ONE OF WHICH IS A SITE PLAN DATED RECEIVED BY THE BUREAU OF PLANNING OCTOBER 06, 2009.

AMENDMENT DONE BY COUNCIL STAFF 12/02/09.

Municipal Clerk  
Atlanta, Georgia

**10-O-0031**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

U-09-17

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of 16-08.005 (1) (f) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **PERSONAL CARE HOME**, is hereby granted. Said use is granted to **DEBORAH TURNER** and is to be located at **762 Bender Street, S.W** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 86, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or map.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for U-09-17 for 762 Bender Street, S.W.**

1. The site plan for 762 Bender Street, received by the Bureau of Planning on October 6, 2009.
2. The special use permit shall be valid for a period of three years with Deborah L. Turner as the operator of the personal care home. The operator/owner shall be required to provide evidence of a satisfactory review by the State of Georgia to continue the operation of the facility during the stated time period.
3. The facility shall be restricted to no more than three (3) residents excluding the live-in care giver.
4. A landscaped buffer shall be planted along the southern boundary line of the subject property to provide screening for the adjacent residential use. The landscaped buffer to be approved by the Bureau of Planning.

Municipal Clerk  
Atlanta, Georgia

10-0-0031

AN ORDINANCE  
BY:

U-09-17

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of 16-08.005 (1) (f) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **PERSONAL CARE HOME**, is hereby granted. Said use is granted to **DEBORAH TURNER** and is to be located at **762 Bender Street, S.W** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 86, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or map.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**EXHIBIT A**

V-09-17

All that tract or parcel of land lying and being in the in Land Lot 86 of the 14<sup>th</sup> District of Fulton County, Georgia, and being Parcel I on that certain plat of survey prepared for Habitat for Humanity in Atlanta, Inc., by McClung Surveying Services, Inc., Michael R. Noles, Georgia Registered Land Surveyor No. 2646, on November 11, 2002, Job #213367, and recorded in Plat Book 235, Page 88, Fulton County, Georgia Records which plat is incorporated herein and made a part hereof by reference, said property being known as 762 Bender Street, Atlanta, Georgia according to the present system of numbering houses in Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at rebar set at the southeast corner of the intersection of Stephens Street (a 50 foot right of way) and Bender Street (a 40 foot right of way); running thence South 88 degrees 37 minutes 08 seconds East along the northerly right of way line of Stephens Street toward a 10 foot alley (not open), a distance of 118.97 feet to a rebar set; running thence South 10 degrees 46 minutes 34 seconds West along the westerly line of the 10 foot alley, a distance of 54.72 feet to a rebar set; running thence North 88 degrees 36 minutes 06 seconds West a distance of 118.87 feet to a rebar set; running thence North 10 degrees 40 minutes 15 seconds East along the easterly right of way line of Bender Street a distance of 54.67 feet to the POINT OF BEGINNING, consisting of 0.147 acres or 6418 square feet more or less.

RECEIVED  
OCT -5 2009  
SUBMIT TO  
CLERK



RCS# 3397  
11/02/09  
2:25 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

09-O-1863, 09-O-1889, 09-O-1890, 09-O-1891  
09-O-1892

REFER

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

# 09-0-1890

(Do Not Write Above This Line)

AN ORDINANCE

U-09-17

BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for a Personal Care Home pursuant to Section 6-08.005 (1) (f) for property located at 762 Bender Street, S.W., fronting approximately 50 feet on the east side of Bender Street, at the southeast corner of Bender Street and Stephens Street. Depth: varies. Area: approximately 0.147 acres. Land Lot 86, 14<sup>th</sup> District, Fulton County, Georgia.  
 Owner: Deborah L. Turner  
 Applicant: Deborah L. Turner  
 NPU V Council District 4

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 11/09/03

Referred To: 3223/301119

Date Referred

Referred To:

Date Referred

Referred To:

Committee Date 11/09/03  
 Chair  
 Referred To 3223/301119

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

- FINAL COUNCIL ACTION
- ☐ 2nd
  - ☐ 1st & 2nd
  - ☐ 3rd
  - ☐ Consent
  - ☐ V Vote
  - ☐ RC Vote

CERTIFIED

MAYOR'S ACTION

City Council  
Atlanta, Georgia

**10-O-0336**

A SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

**Z-10-02**  
Date Filed: 2-9-10

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1017 Westview Drive, S.W.** be changed from RG-2 (Residential General-Sector 2) District to the MR-3-C (Multi-family Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 116, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**Conditions for Z-10-02 for 1017 Westview Drive, S.W.**

1. The subject property shall be developed according to the standards established for the MR-3 district. The conceptual site plan entitled "Columbia Plaza" prepared by Planners and Engineers Collaborative dated 3/15/2010 and stamped received by the Bureau of Planning March 18, 2010 shall be referenced for development of the site and is not intended to prohibit the application of the regulations of the MR-3 zoning district.



24 HOUR CONTACT:



11

**Columbia Plaza**  
 1875 W. 40th St.  
 10th Fl.  
 Minneapolis, MN 55416  
 Tel: 612-338-1100  
 Fax: 612-338-1101

[illegible]

  3-15-10	<b>REZONING SITE PLAN</b> <small>SHEET TITLE A</small>	SCALE: 1" = 30' DATE: FEB 17, 2016 PROJECT: 1000R-00	<small>THIS PLAN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td><td></td></tr> <tr><td>26</td><td></td><td></td><td></td></tr> <tr><td>27</td><td></td><td></td><td></td></tr> <tr><td>28</td><td></td><td></td><td></td></tr> <tr><td>29</td><td></td><td></td><td></td></tr> <tr><td>30</td><td></td><td></td><td></td></tr> </tbody> </table>	NO.	DATE	BY	REVISION	1				2				3				4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25				26				27				28				29				30				<div style="text-align: center;"> <h2 style="margin: 0;">Columbia Plaza</h2> <p style="margin: 0;">A MASTER PLANNED MULTI-FAMILY DEVELOPMENT</p> <p style="margin: 0;">OR</p> <h2 style="margin: 0;">COLUMBIA RESIDENTIAL</h2> <p style="margin: 0;">1716 PEACHTREE STREET, NW SUITE 604, SOUTH TOWER ATLANTA, GEORGIA 30309</p> <p style="margin: 0;">LAND LOT 118 14th DISTRICT</p> </div> <div style="text-align: right; font-size: small;"> CITY OF ATLANTA Fulton County GEORGIA </div> <div style="text-align: center; margin-top: 10px;"> <p style="margin: 0;"><b>"WE PROVIDE SOLUTIONS"</b></p> <h3 style="margin: 0;">PLANNERS AND ENGINEERS COLLABORATIVE</h3> <p style="margin: 0; font-size: x-small;">SITC PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING AND RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)461-3741 ■ FAX: (770)461-3915 ■ WWW.PEACATL.COM</p> </div>
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City Council  
Atlanta, Georgia

10-0-0336

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-10-02  
Date Filed: 2-9-10

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1017 Westview Drive, S.W.** be changed from RG-2 (Residential General-Sector 2) District to the RG-3 (Residential General-Sector 3) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 116, 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

2-10-002

## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 116 of the 14 District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

Beginning at a  $\frac{1}{2}$  inch rebar at the intersection of the north right of way of Westview Drive, 50 foot right of way with the east right of way of Agnes Jones Place, 60 foot right of way; thence along a curve to the left, an arc distance of 109.18 feet, said curve having a radius of 935.55 feet and being subtended by a chord of 109.12 feet, at North 27 degrees 23 minutes 00 seconds East, to a point; thence North 24 degrees 02 minutes 24 seconds East, 166.52 feet to a 1 inch open top pipe; thence South 86 degrees 27 minutes 04 seconds East, 360.25 feet to a  $\frac{1}{2}$  inch rebar; thence South 04 degrees 07 minutes 23 seconds West, 416.40 feet to a 1 inch open top pipe; thence North 55 degrees 14 minutes 37 seconds West, 130.00 feet to a 1 inch open top pipe; thence North 87 degrees 56 minutes 37 seconds West, 30.00 feet to a 1 inch open top pipe; thence South 29 degrees 35 minutes 39 seconds West, 94.54 feet to a  $\frac{3}{4}$  inch open top pipe; thence North 53 degrees 28 minutes 22 seconds West, 328.75 feet to a  $\frac{1}{2}$  rebar; said point being the POINT OF BEGINNING.